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NEW DELHI, SATURDAY, OCTOBER 13, 1979/ASVINA 21, 1901

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे एक नया अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासना को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और प्राधसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 20 सितम्बर 1979

का० प्र० 3456 --नाक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-क का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग दिल्ली प्रशासन के परामर्श से श्री राजा जैन के स्थान पर, श्री आर. के. आहुजा, आई०ए०एस०, उपायुक्त, दिल्ली को उनके कार्यभार सम्भालने की तात्कालिक और प्रथम आदेशों तक दिल्ली संघ राज्य क्षेत्र के मुख्य निर्वाचन अधिकारी के रूप में पदद्वारा नाम-निर्देशित करना है।

[सं० 154/दिल्ली/79]

वी० नागसुब्रमण्यन, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 20th September, 1979

S.O. 3456.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Delhi Administration, hereby nominates Shri R. K. Ahuja, IAS, Deputy Commissioner, Delhi as the Chief Electoral Officer for the Union Territory

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of Delhi with effect from the date he takes over charge and until further orders vice Shri G. C. Jha

[No. 154/DI/79]

V. NAGASUBRAMANIAN, Secy

गृह मंत्रालय

(भारत के सहायजीकार का कार्यालय)

नई दिल्ली, 26 सितम्बर 1979

का० प्र० 3457 --जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) से द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय प्रशासनिक सेवा के उद्योग 1985 मर्ग के आदेशों के तहत 1981 की जनगणना के लिए उद्योग में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/45/79 प्र० 1 1985]

MINISTRY OF HOME AFFAIRS
(Office of the Registrar General, India)

New Delhi the 26th September, 1979

S.O. 3457.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Census Act, 1948 (37 of

(2849)

1948), the Central Government hereby appoints Shri A. R. Nanda of the Indian Administrative Service (Orissa Cadre) as Director of Census Operations, Orissa, for the 1981 Census.

[No. 11/45/79-Ad. I]

का० प्रा० 3458.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के तमिलनाडु 1965 संवर्ग के श्री ए०पी० मुथुस्वामी को एतद्वारा 1981 की जनगणना के लिए तमिलनाडु में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/46/79-प्रा०-I-19846]

S.O. 3458.—In exercise of the powers conferred by sub-Section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri A. P. Muthuswamy of the Indian Administrative Service (Tamil Nadu Cadre) as Director of Census Operations Tamil Nadu, for the 1981 Census.

[No. 11/46/79-Ad. I]

का० प्रा० 3459.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के उत्तर प्रदेश 1966 संवर्ग के श्री रवीन्द्र गुप्त को एतद्वारा 1981 की जनगणना के लिए उत्तर प्रदेश में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/47/79-प्रा०-I-19870]

S.O. 3459.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri Ravindra Gupta of the Indian Administrative Service (Uttar Pradesh Cadre) as Director of Census Operations, Uttar Pradesh, for the 1981 Census.

[No. 11/47/79-Ad. I]

का० प्रा० 3460.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के जम्मू और कश्मीर 1969 संवर्ग के श्री ए०एच० खान को एतद्वारा 1981 की जनगणना के लिए जम्मू और कश्मीर में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/62/79-प्रा०-I-19867]

S.O. 3460.—In exercise of the powers conferred by sub-Section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri A. H. Khan of the Indian Administrative Service (Jammu & Kashmir Cadre) as Director of Census Operations, Jammu & Kashmir, for the 1981 Census.

[No. 11/62/79-Ad. I]

का० प्रा० 3461.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के पश्चिम बंगाल 1967 संवर्ग के श्री एम०एन० घोष को एतद्वारा 1981 की जनगणना के लिए पश्चिम बंगाल में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/63/79-प्रा०-I-19831]

S.O. 3461.—In exercise of the powers conferred by sub-Section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri S. N. Ghosh of the Indian Administrative Service (West Bengal Cadre), as Director of Census Operations, West Bengal, for the 1981 Census.

[No. 11/63/79-Ad. I]

का० प्रा० 3462.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के मणिपुर-त्रिपुरा 1970 संवर्ग के श्री एस०आर० चक्रवर्ती को एतद्वारा 1981 की जनगणना के लिए त्रिपुरा में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/64/79-प्रा०-I-19822]

S.O. 3462.—In exercise of the powers conferred by Sub-Section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri S. R. Chakraborty of the Indian Administrative Service (Manipur-Tripura Cadre) as Director of Census Operations Tripura, for the 1981 Census.

[No. 11/64/79-Ad. I]

का० प्रा० 3463.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के पंजाब 1969 संवर्ग के श्री डी०एन० धीर को एतद्वारा 1981 की जनगणना के लिए पंजाब में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/6 79-प्रा०-I-19825]

S.O. 3463.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri D. N. Dhir of the Indian Administrative Service (Punjab Cadre), as Director of Census Operations, Punjab, for the 1981 Census.

[No. 11/66/79-Ad. I]

का० प्रा० 3464.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 3 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के असम-मेघालय 1968 संवर्ग के श्री जे० सायेग को एतद्वारा 1981 की जनगणना के लिए मेघालय में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/67-79-प्रा०-I-19855]

S.O. 3464.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri J. Tayeng of the Indian Administrative Service (Meghalaya Cadre) Director of Census Operations, Meghalaya, for the 1981 Census.

[No. 11/67/79-Ad. I]

का० प्रा० 3465.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के कर्नाटक 1969 संवर्ग के श्री बी०के० दाम को एतद्वारा 1981 की जनगणना के लिए कर्नाटक में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/72/79-प्रा०-I-19843]

S.O. 3465.—In exercise of the power, conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri B. K. Das of the Indian Administrative service (Karnataka Cadre) as Director of Census Operations, Karnataka, for the 1981 Census.

[No. 11/72/79-Ad. I]

का० प्रा० 3466.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के बिहार 1965 संवर्ग के श्री बी०बी० जाल को एतद्वारा 1981 की जनगणना के लिए बिहार में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/66/79-प्रा०-I]

S.O. 3466.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri B. B. Lal of the Indian Administrative Service (Bihar Cadre) as Director of Census Operations, Bihar, for the 1981 Census.

[No. 11/66/79-Ad.I]

क्रा० प्रा० 3467.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के मध्य प्रदेश संवर्ग के श्री के० सी० दुबे को एतद्वारा 1981 की जनगणना के लिए मध्य प्रदेश में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/77/79-प्रशा०-I-19861]

S.O. 3467.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri K. C. Dubey of the Indian Administrative Service (Madhya Cadre) as Director of Census Operations, Madhya Pradesh for the 1981 Census.

[No. 11/77/79-Ad. I]

क्रा० प्रा० 3468.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के मध्य राज्य क्षेत्र संवर्ग के श्री पी०एन० सामी को एतद्वारा 1981 की जनगणना के लिए पांडिचेरी में पदेन जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/80/79-प्रशा०-I-19837]

S.O. 3468.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri P. L. Samy of the Indian Administrative Service (Union Territories Cadre) as Director of Census Operations Pondicherry, for the 1981 Census.

[No. 11/80/79-Ad. I]

क्रा० प्रा० 3469.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मणिपुर मिश्रित सेवा के श्री धार०के० वीरेन्द्र सिंह को एतद्वारा 1981 की जनगणना के लिए मणिपुर में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/81/79-प्रशा०-I-19858]

S.O. 3469.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri R. K. Birendra Singh of the Indian Administrative Service (Manipur Cadre) as Director of Census Operations, Manipur for the 1981 Census.

[No. 11/81/79-Ad. I]

क्रा० प्रा० 3470.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के मध्य राज्य क्षेत्र मन्त्रग के श्री एम०बी० राय को एतद्वारा 1981 की जनगणना के लिए अरुणाचल प्रदेश में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/83/79-प्रशा०-I-19828]

S.O. 3470.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri M. B. Rai of the Indian Administrative Service (Union Territory Cadre) as Director of Census Operations, Arunachal Pradesh, for the 1981 Census.

[No. 11/83/79-Ad. I]

क्रा० प्रा० 3471.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के कर्णाटक 1971 संवर्ग के श्री के०एल० नेगी को एतद्वारा 1981 की जनगणना के लिए हिमाचल प्रदेश में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/84/79-प्रशा०-I-19840]

S.O. 3471.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri K. L. Negi of the Indian Administrative Service (Karnataka Cadre) as Director of Census Operations, Himachal Pradesh, for the 1981 Census.

[No. 11/84/79-Ad. I]

क्रा० प्रा० 3472.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के राजस्थान 1966 संवर्ग के श्री आई०सी० श्रीवास्तव को एतद्वारा 1981 की जनगणना के लिए राजस्थान में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/85/79-प्रशा०-I]

S.O. 3472.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri I. C. Srivastava of the Indian Administrative Service (Rajasthan Cadre) as Director of Census Operations Rajasthan, for the 1981 Census.

[No. 11/85/79-Ad. I]

क्रा० प्रा० 3473.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के महाराष्ट्र 1966 संवर्ग के श्री पी०पी० महाना को एतद्वारा 1981 की जनगणना के लिए महाराष्ट्र में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/86/79-प्रशा०-I-19864]

S.O. 3473.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri P. P. Mahana of the Indian Administrative Service (Maharashtra Cadre) as Director of Census Operations, Maharashtra, for the 1981 Census.

[No. 11/86/79-Ad. I]

क्रा० प्रा० 3474.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के केरल 1969 संवर्ग के श्री एम०वी० नीम्बयर को एतद्वारा 1981 की जनगणना के लिए केरल में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/87/79-प्रशा०-I-19818]

S.O. 3474.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri M. V. Nambiar of the Indian Administrative Service (Kerala Cadre) as Director of Census Operations, Kerala, for the 1981 Census.

[No. 11/87/79-Ad. I]

क्रा० प्रा० 3475.—जनगणना अधिनियम, 1948 (1948 का 37) की धारा 4 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय प्रशासनिक सेवा के गुजरात संवर्ग के श्री धार०सी० छाया को एतद्वारा 1981 की जनगणना के लिए गुजरात में जनगणना कार्य निदेशक के पद पर नियुक्त करती है।

[सं० 11/93/79-प्रशा०-I]

गो० पञ्चनाथ, महापञ्जीकार और पदेन जनगणना आयुक्त

S.O. 3475.—In exercise of the powers conferred by Sub-section (1) of Section 4 of the Census Act, 1948 (37 of 1948), the Central Government hereby appoints Shri R. S. Chhaya of the Indian Administrative Service (Gujarat Cadre) as Director of Census Operations, Gujarat, for the 1981 Census.

[No. 11/93/79-Ad. I]

P. PADMANABHA, Registrar General and Ex-officio
Census Commissioner

hibit the said bank from holding shares in the Andhra Pradesh Industrial and Technical Consultancy Organisation and Orissa Industrial and Technical Consultancy Organisation being companies registered under the Companies Act, 1956 (1 of 1956).

[No. 15(27)-B.O.II/79]

नई दिल्ली, 22 सितम्बर, 1979

शुद्ध पत्र

का० प्रा० 3477.—भारत के राजपत्र के भाग-II खंड 3(ii) में दिनांक 9-6-1979 को पृष्ठ 1657 पर प्रकाशित वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की अधिसूचना संख्या 15(9)-बी०ओ०-II/79 के अंग्रेजी रूपान्तर में अधिसूचना की तारीख को "26 मई, 1979 के स्थान पर 30 अप्रैल, 1979 पढ़ा जाय"।

[संख्या 15(9) ओ० ओ० II/79]

एन०डी० बत्रा, अवर सचिव

New Delhi, the 22nd September, 1979

CORRIGENDUM

S.O. 3477.—In the Notification of the Ministry of Finance Department of Economic Affairs (Banking Division) No. 15(9)-B.O.II/79 published at page 1657 of the Gazette of India Part II Section 3(ii) dated 9-6-1979, in the English version, the date of notification may be read as 'the 30th April, 1979 instead of the 26th May, 1979'.

[No. 15(9)-B.O.II/79]

N. D. BATRA, Under Secy.

नई दिल्ली, 20 सितम्बर, 1979

शुद्ध पत्र

का० प्रा० 3478.—भारत के राजपत्र के भाग II, खंड 3(ii) में प्रकाशित, वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 19 जुलाई, 1979 की अधिसूचना संख्या 8(22)/79 ए०सी० के हिन्दी रूपान्तर की निम्नलिखित शब्दों को निकालकर/प्रतिस्थापित कर पढ़ा जाये:—

- (1) पैराग्राफ 1 में, "21 जुलाई, 1979" अंकों तथा शब्दों के स्थान पर "22 जुलाई, 1979" प्रतिस्थापित समझे जायें।
- (2) पैराग्राफ 1 में, "नफ़द" तथा "आरक्षित" के बीच आए "और" शब्द का हटा दिया जाये।
- (3) पैराग्राफ 2 में, "उप्रेषित" शब्द के स्थान पर "अप्रेषित" शब्द प्रतिस्थापित समझा जायें।

[संख्या 8(22)/79-ए०सी०]

यशवंत राज, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 25th September, 1979

S.O. 3476.—In exercise of powers conferred by Sections 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares :

(a) that the provisions of sub-clause (i) and (ii) of clause (c) of Sub-section (1) of section 10 and sub-sections (2) & (4) of section 10B of the said Act shall not apply to the Andhra Bank Ltd., Hyderabad upto 25th August, 1980 insofar as the said provisions prohibit its Chairman and Chief Executive Officer from being a director of the Andhra Pradesh Industrial and Technical Consultancy Organisation and Orissa Industrial and Technical Consultancy Organisation being companies registered under the Companies Act, 1956 (1 of 1956) and

(b) that the provisions of sub-section (3) of section 19 of the said Act shall not apply upto 25th August 1980 to the abovementioned bank insofar as the said provisions pro-

विदेश मंत्रालय

कॉमली अनुभाग

नई दिल्ली, 27 सितम्बर, 1979

का० प्रा० 3479.—राजनयिक एवं कॉमली अधिकारी (अपथ एवं गुप्त) अधिनियम, 1948 (1948 का 11) का धारा 2 के खंड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा, भारत का प्रधान कॉमलवाग, जेनेवा, स्विट्जरलैंड में ग्राहक श्री एम०एल० खन्ना को तत्काल में कॉमली एजेंट के रूप में कार्य करने के लिए नियुक्त करना है।

[फाइल संख्या दो० 4330/1/79]

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 27th September, 1979

S.O. 3479.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri M. L. Khanna, Assistant in the Consulate General of India, Geneva, Switzerland, to perform the duties of a Consular Agent with immediate effect.

[F.No. I. 4330/1/79]

नई दिल्ली, 28 सितम्बर, 1979

क्रा० प्रा० 3480.—राजतयिका एवं कॉन्सुली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुपालन में केन्द्र सरकार, इसके द्वारा भारत का राजदूतावास यमन श्रब गणराज्य साना, में महायुक्त श्री के०के० धर्मा का तत्काल से कॉन्सुली एजेंट के रूप में कार्य करने के लिए नियुक्त करती है।

[फाइल संख्या टी० 4330/1/79]

जे० हजारी, अवसर सचिव

New Delhi, the 28th September, 1979

S.O. 3480.—In pursuance of clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri K. K. Sharma, Assistant in the Embassy of India, Sana, Yemen Arab Republic to perform the duties of a Consular Agent with immediate effect.

[F. No. T 4330/1/79]

J. HAZARI, Under Secy.

नौवहन और परिवहन मंत्रालय

परिवहन पक्ष

नई दिल्ली, 27 सितम्बर, 1979

क्रा० प्रा० 3481.—केन्द्रीय सरकार, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मोरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 में कतिपय और संशोधन करना चाहती है। जैसा कि उक्त धारा में अपेक्षित है, प्रस्तावित संशोधनों का निम्नलिखित प्रारूप उन सभी व्यक्तियों को जानकारी के लिए प्रकाशित किया जा रहा है, जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दो मास की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा।

ऊपर विनिर्दिष्ट अवधि में पूर्व उक्त प्रारूप की बाबत जो भी आपत्ति या सुझाव किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार उन पर विचार करेगी।

स्कीम का प्रारूप

1. (1) इस स्कीम का नाम मोरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1979 है।

(2) यह राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

2. मोरमुगाओ डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1965 के खंड 17 के उपखंड (2) की मद (ख) और अनुसूची I में, "विन्चमैन" शब्द के स्थान पर "विन्च ड्राइवर" शब्द रखे जाएंगे।

[क्रा० सं० एल०डी०जी०/27/79]

वा० सत्रालयम, अवसर सचिव (एल)

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 27th September, 1979

S.O. 3481.—The following draft of a Scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 which the Central Government proposes to make in exercise of the powers conferred by sub-section (i) of Section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration or after the expiry of a period of two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the period so specified will be taken into consideration by the Central Government.

DRAFT SCHEME

1. (1) This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Scheme Amendment Scheme, 1979.

(2) It shall come into force on the date of their publication in the Official Gazette.

2. In item (b) of the sub-clause (2) of Clause 17 and Schedule I of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 for the word "Winchman", the words "Winch Driver" shall be substituted.

[F. No. LDG/27/79]

V. SANKARANINGAM, Under Secy.

संचार विभाग

(डाक तार बोर्ड)

नई दिल्ली, 26 सितम्बर, 1979

क्रा० प्रा० 3482.—जब कि भारतीय तार नियम, 1951 की धारा 434(iii)(ख) के आवश्यकतानुसार दुर्गापुर टेलीफोन केंद्र व्यवस्था के स्थानीय क्षेत्र का संशोधन करने के लिए दुर्गापुर में प्रचारित अखबारों में सार्वजनिक रूप से श्रापन छपा गया था जिसमें जापन के अखबारों में अपने की तारीख से 30 दिनों के अन्दर उससे सभी प्रभावित होने वाले व्यक्तियों से आपत्तियां तथा सुझाव मांगे गए थे और जबकि उक्त श्रापन 1-3-77 को "दैनिक समुदायवादी पत्रिका" में 1-3-1977 को "दैनिक बभुली" में, 1-3-77 को "दैनिक कलकत्ता पैगाम" में, 1-3-77 को "दैनिक राजधानी हिन्द" में 1-3-77 को "छपता छपता" में जनता को उपलब्ध कराया गया था।

और जब कि उक्त जापन पर जनता से कोई आपत्तियां तथा सुझाव प्राप्त नहीं हुए,

अब धर्माणि, महानिदेशक, डाक-तार यहां उक्त नियमों की धारा 434(3) (ख) के अधीन की गई शक्तियों का प्रयोग करते हुए यह घोषणा करने हैं कि 1-10-1979 से दुर्गापुर का संशोधित स्थानीय क्षेत्र निम्नलिखित होगा:—

दुर्गापुर टेलीफोन व्यवस्था

दुर्गापुर का स्थानीय क्षेत्र वह क्षेत्र होगा जो कि दुर्गापुर अधिसूचित क्षेत्र प्राधिकारक अन्तर्गत आता है (अधिसूचना की तारीख पर) बशर्ते कि टेलीफोन उपसंका दुर्गापुर अधिसूचित क्षेत्र प्राधिकारक की गोमा के बाहर स्थित हों परन्तु ऐसे उपसंका, जिनकी कि दुर्गापुर टेलीफोन केंद्र व्यवस्था से सेवा प्रदान की जा रही है तथा जब तक वे इस व्यवस्था के किसी भी टेलीफोन केंद्र के 5 कि०मी० की दूरी के अन्दर स्थित हैं और इससे जुड़े रहते हैं, वे स्थानीय प्रशुक्त का भुगतान करना जानू रखेंगे

टिप्पणी:—दामोदर नदी के दक्षिण में स्थित उपभोक्ताओं को दुर्गापुर टेलीफोन केन्द्र से स्थानीय प्रशुल्क पर सेवा नहीं दी जायेगी।

[सं० 3-18/76 पी०एल० बी०]

एम० बी० राममूर्ति, निदेशक, फोन्स (ई०)

DEPARTMENT OF COMMUNICATIONS

(P & T Board)

New Delhi, the 26th September, 1979

S.O. 3482.—Whereas a public notice for revising the local area of Durgapur Telephone Exchange System was published as required by rule 434(iii)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Durgapur, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 1-3-1977 in Daily "Amrita Bazar Patrika" on 1-3-1977 in Daily "Basumati" on 1-3-1977 in Daily "Calcutta Paigam" on 1-3-1977 in Daily "Rozana Hindi" and on 1-3-1977 in Daily "Chapte Chapte".

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the powers conferred by rule 434(iii)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 1-10-1979 the revised local area of Durgapur shall be as under;

Durgapur Telephone System

The local area of Durgapur shall cover an area falling under the jurisdiction (as on the date of notification) of Durgapur Notified Area Authorities, provided that the telephone subscribers located outside Durgapur Notified Area Authorities limit but who are served from Durgapur Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 Kms of any exchange of this system and remain connected to it.

Note.—The subscribers located in the South of Damodar River shall not be served from Durgapur Telephone Exchange System on local tariffs.

[No. 3-18/76-PHB]

M. B. RAMAMURTHY, Director Phones(E)

MINISTRY OF LABOUR

New Delhi, the 26th September, 1979

S.O. 3483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Punjab & Sind Bank Ltd. and their workman over enforcing transfer of Shri N. K. Monga, Clerk-cum-Cashier, 8-Old Court House Street, Calcutta Branch of the Bank from Calcutta to Siliguri and thus forcing him to resign from Bank's service on 25-2-77 by unfair means, which was received by the Central Government on 21-9-79.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :

CALCUTTA

Reference No. 81 of 1978

PARTIES :

Employers in relation to the management of Punjab and Sind Bank Ltd.,

AND

Their Workmen.

PRESENT :

Sri Justice S. K. Mukherjee—Presiding Officer.

APPEARANCES :

On behalf of Employers—Shri Monotosh Mukherjee, Counsel, with Shri D. K. Ghosh, Labour Adviser.

On behalf of Workmen.—Sri S. Pal, Advocate with Sri Ajit Banerjee, General Secretary of Bengal Provincial Bank Employees' Association.

State : West Bengal

Industry : Banking

AWARD

The Government of India, Ministry of Labour, by their Order No. L-12012/75/78-D.II.A dated 13/17th October, 1978, referred an industrial dispute existing between the employers in relation to the management of Punjab and Sind Bank Ltd., and their workmen, to this tribunal for adjudication. The material part of the order of reference reads as follows :

"Whether the action of the management of Punjab & Sind Bank Ltd. in enforcing the transfer of Shri K.K. Monga, Clerk-cum-Cashier, 8-Old Court House Street, Calcutta Branch of the Bank from Calcutta to Siliguri and thus forcing him to resign from Bank's service on 25-2-77 by unfair means is justified ? If not, to what relief is the workman entitled ?"

Mr. Monotosh Mukherjee appearing on behalf of the management contended that it appears from the terms of reference that the real issue has in fact been determined by the Central Government and nothing is left to the Tribunal to adjudicate upon. The question as posed in the schedule to the order of reference can be answered in one way and one way alone, that is to say, in the negative. There could be no dispute and indeed there is none that if the management sought to enforce the order of transfer on Sri K. K. Monga and thereby forced him to resign from the Bank's service by unfair means, such action was not justified. The real issue in the dispute raised by the concerned workman in correspondence was whether the order of transfer was mala fide and calculated to force him to resign. That is however not the dispute referred to the Tribunal. Mr. Mukherjee submitted that the issue raised in the reference is illusory. Moreover, there is no dispute between the parties on that issue. He relied on a judgment of the Supreme Court in the case of M/s. Western India Match Company Limited and The Western India Match Co. Workers' Union, 1970 (II) L.L.J. p. 256 and relied on paragraph 9 of the judgment at page 262. Shelat, J. speaking for the Court observed :

"In State of Madras v. C.P. Sarathy (1953—S.C.R. 334 at 346) this Court held on construction of S. 10(1) of the Central Act that the function of the appropriate Government thereunder is an administrative function. It was so held presumably because the Government cannot go into the merits of the dispute, its function being only to refer such a dispute for adjudication so that the industrial relations between the employer and his employees may not continue to remain disturbed and the dispute may be resolved through a judicial process as speedily as possible."

3. Relying on these observations, Mr. Mukherjee submitted that the appropriate Government was certainly competent to refer a dispute to the tribunal under Sec. 10(1) of the Industrial Disputes Act in exercise of its administrative function to adjudicate upon the question whether the order of transfer of the concerned workman was promoted by improper motive and whether the concerned workman was forced to resign by the said order, but the appropriate Government was not competent to decide whether the resignation was forced upon the concerned workman by unfair means adopted by the management.

4. Mr. Mukherjee also relied on a judgment of the Privy Council delivered by Lord Denning in Beetham v. Trinidad Cement Ltd., (1960) 1 All E.R., p. 274. In that case the Governor of Trinidad and Tobago acting under the Trade

Disputes (Arbitration and Inquiry) Ordinance referred a dispute to a Board of Industry. The order of reference was in the following terms :

- “(a) To inquire into and report in the causes and circumstances of the said dispute ;
- (b) To inquire into and report on the likely effect (if any) of the said dispute upon industrial relations between employers and employed in the colony generally.

Lord Denning in his speech observed :

“It was said that the governor was, under the ordinance, under a duty to ‘inquire into the causes and circumstances of the dispute’ before he appointed the board of inquiry; and that he had not inquired as he ought to have done. He ought, it was said, to have given a fair opportunity to both parties to make representations before he acted; and the familiar passages in *Local Government Board v. Arlidge* (7) were cited. Their Lordships reject this contention. True it is that the governor had to inquire and, no doubt, he did—in his administrative capacity—but he had not to conduct anything in the nature of a judicial or quasi-judicial inquiry.”

Mr. Mukherjee contended that the appropriate Government have arrogated to itself judicial or quasi-judicial functions and prejudged the issue, namely, whether the order of transfer was unfair and the resignation was forced upon the concerned workman by unfair means. It was, something which the Government could not do under the relevant provisions of the statute. The reference, he claimed, is therefore incompetent. The reference was incompetent because the issue raised in the order of reference is not an issue in dispute between the parties and also on the ground that the Central Government has decided the real dispute between the parties and has not left it to the Tribunal to pronounce upon its merits.

5. Mr. Pal appearing on behalf of the concerned workman admitted that the dispute was as to whether the order of transfer was malafide and unfair and conceded that the issue which has been raised in the order of reference is not the real issue. We however submitted that the tribunal should treat the order of reference as an order to decide the real issue, namely, whether the order of transfer was unfair and the concerned workman was forced to resign by the adoption of unfair means in the shape of that order. He strongly relied on a decision of the Supreme Court in *Express Newspapers v. Their Workman & Staff*, 1962 II L.J. 227. In that case, one of the issues raised in the order of reference was as follows :

- “(2) Whether the strike of the workers and working journalists from 27 April, 1959, and the consequent lockout by the management of the Express Newspapers Pvt. Ltd. are justified and to what relief the workers and the working journalists are entitled?”

The Court held that in the context if the order of reference the tribunal was competent to decide whether it was a case of lockout or a closure. Gajendragadkar, J. in delivering the judgment of the Court said :

“Then, in regard to issue 2, the argument is that this issue has, in fact, been determined by the Government and nothing is left to the tribunal to consider or decide. It may be conceded that the wording of the issue is inartistic and unfortunate. As it is worded, it no doubt, *prima facie*, gives an impression that the enquiry on this issue has to proceed on the assumption that the conduct of the appellant amounts to a lockout, and this argument is somewhat strengthened by the ill-advised and unfortunate order passed by the State Government under S. 10(3). It is hardly necessary to emphasize that since the jurisdiction of the industrial tribunal in dealing with industrial disputes referred to it under S. 10 is limited by S. 10(4) to the points specifically mentioned in the reference and matters incidental thereto, the appropriate Government should frame the relevant orders of reference carefully and the questions which are intended to be tried by the industrial tribunal should be so worded

as to leave no scope for ambiguity or controversy. An order of reference hastily drawn or drawn in a casual manner often gives rise to unnecessary adjudication and thereby prolongs the life of industrial adjudication which must always be avoided. Even so, when the question of this kind is raised before the Courts, the Courts must attempt to construe the reference not too technically or in a pedantic manner, but fairly and reasonably. Thus construed, even the inelegant phrasology in framing the issue cannot conceal the fact that in dealing with the issue, the main point which the tribunal will have to consider is whether the strike of the respondents on 27 April 1959 was justified and whether the action of the appellant which followed the said strike is either a lockout or amounts to a closure.”

Mr. Pal relied on these observations and contended that the tribunal should construe the order of reference as an invitation to adjudicate upon the real issue involved in the dispute between the parties which unhappily has not been expressed properly in the order of reference.

6. Mr. Pal also referred to an earlier decision of the Supreme Court in the *State of Madras v. C.P. Sarathy*, 1953 I L.L.J., 174, where it was held :

“... while it is desirable that in making a reference Government should indicate the nature of the dispute, it must be remembered that Government acting under S. 10 is doing an administrative act, and the fact, that it has to form an opinion as to the factual existence of the dispute as a preliminary step to discharge its functions does not make it any the less administrative in character, and the Court can not canvass the order closely as if it was a judicial or quasi-judicial act; that while it will be open to a party to impugn an award on the ground that what was referred was not an industrial dispute, the fact of its existence and propriety of reference were matters entirely for Government, and a Court cannot quash the proceedings merely because in its opinion, Government had no material to come to that conclusion. Government must have power, in the interests of industrial peace and production, to set the machinery of settlement in motion, without pausing to enquire what the specific points of dispute are.”

7. It is an accepted principle of industrial adjudication that an industrial Tribunal cannot travel beyond the terms of reference. In *Pottery Mazdoor Panchayat v. The Perfect Pottery Co. Ltd.*, AIR 1979 S.C., 1356, the latest decision of the Supreme Court on the subject, it has been held that the jurisdiction of the tribunal in industrial disputes is limited to the points specifically referred for its adjudication and to matters incidental thereto and the tribunal cannot go beyond the terms of reference. It was held that the Tribunal by the very term of reference had no jurisdiction to go behind the fact of closure and enquire into the question whether the business was in fact closed down by the management. At paragraph 14 of the Report the Court referred to the judgment in the case of *Express Newspapers Ltd. v. Their workmen* and observed :

- “14. Learned counsel for the applicant relies upon a judgment of this Court in the *Management of Express Newspapers Limited v. Workers Employed under it*, (1963) 3 SCR 540 at p. 548 (AIR 1963 SC 569 at p. 573), in which it was observed that if in fact and in substance, the closure of the business is a lockout and the business has been apparently closed for the purpose of disguising a lockout and a dispute is raised in respect of such a closure it would be an industrial dispute which an Industrial Tribunal is competent to deal with. There, can, with respect, be no quarrel with this proposition but the true question which arises for consideration is whether in the instant case there was in fact a closure or whether the management purported to close the business as a cloak or disguise for what in fact and substance was a lockout. As we have shown earlier no such dispute was ever raised, the limited dispute which was raised by the appellant being whether the closure of the business was effected for a proper and a justifiable reason.”

In this case the parties agreed that the issue on the real dispute had not been expressed in the order of reference. The

question posed in the reference is a specific one. In *State of Madras v. C.P. Sarathi*, the case relied on by Mr. Pal, the order of reference did not indicate the nature of the dispute. The order merely stated that an industrial dispute had arisen between the workers and the management in respect of certain matters. The parties were therefore free to indicate before the Tribunal what the dispute were. In the order of reference with which I am concerned, the dispute has been specifically laid down. The decision in *State of Madras and C.P. Sarathi* is therefore of no assistance in the present reference. Apart from the fact that the latest Supreme Court decision in *Pottery Mazdoor Panchayat v. Perfect Pottery Co. Ltd.* has elucidated the decision in the management of *Express Newspapers Ltd. v. Their workmen*, I am of opinion that the difference between the real issue in the present dispute and the issue raised in the order of reference is so fundamental that it will not be proper for the tribunal to ignore express terms of the order of reference and spell out a different order of reference to express the real dispute between the parties. Moreover, I think there is substance in the submissions made by Mr. Mukherjee that the issue raised in the order of reference is an illusory one inasmuch as it is obvious to all that the question can be answered in one way and one way alone. In other words, the answer is not in dispute. The question which is posed before the tribunal in an order of reference ought to be a real or a live question which calls for adjudication in proper sense. It should not be merely a question in form and not a question in substance. If it is merely a question in form, it is on a par with a rhetorical question which hardly calls for an answer. As an illustration I may cite the questions put to the audience by Brutus in a famous scene in *Julius Caesar*

"Who is here so base that would be a bondman?"

Who is here so rude that would not be a Roman ?

Who is here so vile that will not love his country?"

These are rhetorical questions which do not call for answers because the answerers are clear. Similarly, whether the action of the management in forcing the concerned workman to resign by reason of an order of transfer which is malafide and unfair is justified or not, does not call for an answer, because the answer is not in doubt.

8. In the view I have taken, I hold that the order of reference is incompetent. It is common case that the order of reference does not raise the real issue in the dispute between the parties and the issue raised by the order of reference is not the issue. Moreover, the real dispute has been adjudicated upon the appropriate government by the order of reference itself and there is nothing left for the tribunal to decide. The order of reference raises a question which hardly calls for an answer. For all these reasons, the reference is rejected.

Dated, Calcutta.

The 6th September, 1979.

S. K. MUKHERJEE, Presiding Officer.

[No. I-12012/75/78-D.II.A.]

S. K. MUKHERJEE, Under Secy.

New Delhi, the 4th October, 1979

S.O. 3484.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the management of Dhanalakshmi Bank Ltd., Trichy and their workmen over denying employment to Shri P. K. Swaminathan as Cars Driver, with effect from 1-8-75, which was received by the Central Government on 25-8-1979.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A., B.L.,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
MADRAS

(Constituted by the Government of India)

Monday, the 10th day of September, 1979

Industrial Dispute No. 34 of 1978

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the

workmen and the Management of Dhanalakshmi Bank Limited, Trichur).

BETWEEN

The workmen represented by
The General Secretary,
Dhanalakshmi Bank Employees Union,
Chattiswery Buildings Round West, Trichur

AND

The Chairman,
The Dhanalakshmi Bank Limited,
Head Office, Trichur.

Reference :

Order No. I-12011/41/78-D.II.A. dated 30-5-1978/2-6-1978, of the Ministry of Labour, Government of India

This dispute coming on this day for hearing upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing of Thiru M. Venugopalan, advocate for the Management and the counsel for Union having not been ready, this Tribunal made the following.

AWARD

This is an Industrial Dispute referred to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Dhanalakshmi Bank Limited, Trichur in respect of the following issue :

Whether the action of the Chairman, Dhanalakshmi Bank Ltd., Trichy in denying employment to Shri P. K. Swaminathan as Car Driver, with effect from 1-8-75 is justified? If not to what relief is the workman concerned entitled.

(2) Summons were issued to the parties for 21-6-1978 and were served. Petitioner—Union Dhanalakshmi Bank Employees Union, Trichur filed a claim statement on 29-9-1979 setting out the demand of the worker Thiru P. K. Swaminathan. Respondent—Management Dhanalakshmi Bank Limited, Trichur filed a counter statement on 16-10-1978 repudiating the claim of the Petitioner—Union.

(3) Today, when the matter is coming up for enquiry finally, the Petitioner Thiru P.K. Swaminathan is absent and has not placed either documentary or oral evidence in support of his claim. On the other hand, the Management represented by the counsel Thiru M. Venugopalan is ready with two witnesses on his side. The Petitioner was employed as a Driver from January, 1973 upto 31-7-1975. The controversy between the Petitioner and the Respondent—Management is simple. The Petitioner would contend that he is a worker of the Dhanalakshmi Bank Limited, Trichur, while the claim of the Respondent—Management is that the Petitioner Thiru P. K. Swaminathan was only a personal driver of Thiru T. K. Pillai who was the Chairman of the Dhanalakshmi Bank Limited at that time. The Chairman of the Bank is entitled to have the use of the car allotted to him by the Bank. Admittedly, the driver Thiru P. K. Swaminathan was not appointed by the Bank itself. It is true that the Management has given an allowance of Rs. 120 per month to the Chairman of the Bank for engaging his own driver. It is perfectly clear that normally a driver cannot be engaged on a wage of Rs. 120 per month in a place like Trichur. Therefore it is obvious that one of the perquisites given by the Bank to its Chairman was an allowance of Rs. 120 per month for engaging his personal driver. The car belongs to the Bank, but the driver has to be engaged by the Chairman during the term of his office. Further more, the litigation was started even in 1976 and in I.D. No. 138 of 1976, the Labour Court, Kozhikode held that the reference before the Tribunal was not valid. Therefore, it is obvious that the Petitioner Thiru P. K. Swaminathan was not a workman under the Respondent—Management, viz., Dhanalakshmi Bank Limited, Trichur. Almost on identical facts recently the Supreme Court has held that under such circumstances the employee must be considered to be the personal driver of the

officer and cannot be considered to be the workman under the Bank. Probably, all these factors must be heavily weighed with the Petitioner and therefore he has not chosen to come forward to adduce any other evidence. That apart there is no dispute about the facts leading up to the reference to this Tribunal. Hence P. K. Swaminathan cannot be held to be a worker under the Respondent—Management Dhanalakshmi Bank Limited, Trichur, Kerala State.

(4) In the result, an Award is passed dismissing the claim. No costs.

Dated, this 10th day of September, 1979.

T. SUDARSANAM DANIEL, Presiding Officer

[No. L-12011/41/78-D.II.(A)]

S. K. MUKERJEE, Under Secy.

New Delhi, the 3rd October, 1979

CORRIGENDUM

S.O. 3485.—In the notification of Government of India in the Ministry of Labour No. S.O. 337(E), dated 7th June, 1979, published in the Gazette of India Extraordinary Part II, section 3, sub-section (ii), dated the 7th June, 1979 at page—598 in line 10 for "Obzari" read "Obari".

[No. S-38013/25/76-HI]

का० प्रा० 3486.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पूरबानी स्टील, 2, डा० भार० एन० टैगोर रोड, कलकत्ता-57, नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952(1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35017/45/79-पी० एफ० 2(1)]

S.O. 3486.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Purbani Steel, 2, Dr. R. N. Tagore Road, Calcutta-57 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S. 35017 (45)/79-PF. II (i)]

का० प्रा० 3487.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952(1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जनवरी, 1979 से मैसर्स पूरबानी स्टील, 2, डा० भार० एन० टैगोर रोड, कलकत्ता-57, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[फा० ग० एम० 35017/45/79-पी० एफ० 2(2)]

S.O. 3487.—In exercise of the powers conferred by the first proviso to section 6 of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of January, 1979 the establishment known as Messrs. Purbani Steel, 2, Dr. R. N. Tagore Road, Calcutta-57 for the purposes of the said proviso.

[No. S. 35017/45/79-PF. II(ii)]

का० प्रा० 3488.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आनंदीलाल पोद्दार एण्ड सन्स (प्राइवेट) लिमिटेड, 4, कैमक स्ट्रीट, कलकत्ता-16 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952(1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अक्टूबर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35017/46/79-पी० एफ० 2(1)]

S.O. 3488.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Anandilal Poddar and Sons (Private) Limited, 4, Camac Street, Calcutta-16 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1978.

[No. S. 35017 (46)/79-PF. II (i)]

का० प्रा० 3489.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अक्टूबर, 1978 से मैसर्स आनंदीलाल पोद्दार एण्ड सन्स (प्राइवेट) लिमिटेड, 4 कैमक, स्ट्रीट, कलकत्ता-16, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[फा० सं० एम० 35017(46)79-पी० एफ० 2(2)]

S.O. 3489.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of October, 1978 the establishment known as Messrs. Anandilal Poddar and Sons (Private) Limited, 4, Camac Street, Calcutta-16, for the purposes of the said proviso.

[No. S. 35017/46/79-PF. II (ii)]

का० प्रा० 3490.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कैलोर्स इण्डिया (प्राइवेट) लिमिटेड, 13, कैमक स्ट्रीट, कलकत्ता-17 जिसके अन्तर्गत प्लॉट नं० 7, ब्लाक-डी, 27 और 28, इण्डस्ट्रियल इस्टेट, कल्याणी नजिदा, पश्चिमी बंगाल, स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

प्रतः अथ, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अक्टूबर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35017/47/79-पी०एफ० 2(1)]

S.O. 3490.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Calores India (Private) Limited, 13, Camac Street, Calcutta-17 including its branch at Plot No. 7, Block-D, 27 and 28, Industrial Estate, Kalyani Nadia, West Bengal, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of October, 1978.

[No. S-35017 (47)/79-PF. II (i)]

क्रा० प्रा० 3491.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 31 अक्टूबर, 78 से मैसर्स कैलोर्स इण्डिया (प्राइवेट) लिमिटेड 13, कैमक स्ट्रीट, कलकत्ता-17, जिसके भूतंगत प्लॉट नं० 7, ब्लॉक-डी, 27, और 28, इण्डस्ट्रियल इस्टेट, कल्याणी नाडिया, पश्चिमी बंगाल, स्थित उसकी शाखा भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[क्रा० सं० एस० 35017/47/79-पी०एफ० 2(2)]

S.O. 3491.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty-first day of October, 1978 the establishment known as Messrs Calores India (Private) Limited, 13, Camac Street, Calcutta-17 including its branch at Plot No. 7, Block-D, 27 and 28, Industrial Estate, Kalyani, Nadia, West Bengal, for the purposes of the said proviso.

[No. S. 35017 (47)/79/PF. II (ii)]

क्रा० प्रा० 3492.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भार्गव ब्रदर्स, 139 बी/1, आनंदा पालिट रोड, (एन्टेली), कलकत्ता-14, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अथ, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[क्रा० सं० एस० 35017/49/79-पी०एफ० 2(1)]

S.O. 3492.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bhargava Brothers, 139 B/1, Ananda Palit Road, (Entally), Calcutta-14 have agreed that the provisions of the Employees' Provident

Funds and Miscellaneous Provisions Act (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S. 35017 (49)/79-PF. II (i)]

क्रा० प्रा० 3493.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जनवरी, 1979 से मैसर्स भार्गव ब्रदर्स, 139बी/1 आनंदा पालिट रोड, (एन्टेली), कलकत्ता-154, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[क्रा० सं० एस० 35017/49/79-पी०एफ०-2(2)]

S.O. 3493.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of January, 1979, the establishment known as Messrs, Bhargava Brothers, 139 B/1, Ananda Palit Road, (Entally), Calcutta-14, for the purposes of the said proviso.

[No S. 35017 (49)/79-PF. II (ii)]

क्रा० प्रा० 3494.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 31 दिसम्बर 75 से मैसर्स जयंत इण्डस्ट्रियल एंड साइंटिफिक रिसर्च (प्राइवेट) लिमिटेड, प्लॉट नं० सी-12, आन्ने इण्डस्ट्रियल इस्टेट, ठाणे-4, जिसके भूतंगत भूनापूर्णा, बांगला, 1 12 शाराबावाणे, पुणे-4 स्थित उसकी शाखा भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[क्रा० सं० 35018/79/79-पी० एफ० 2(2)]

S.O. 3494.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirty first day of December, 1975 the establishment known as Messrs. Jayant Industrial and Scientific Research (Private) Limited, Plot No. C-12, Wagel Industrial Estate, Thane-4 including its branch at Anna Purna Bungalow, 1/12 Erandavane, Pune-4, for the purposes of the said proviso.

[No. S. 35018 (79)/79 PF. II (ii)]

क्रा० प्रा० 3495.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आर्कटिक इन्वेस्टमेंट एण्ड ट्रेडिंग कम्पनी (प्राइवेट) लिमिटेड, कनमून हाउस, पांचवा फ्लोर, 281/87 नरसी नाथ स्ट्रीट, मुम्बई-9, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए;

अतः अथ, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/(80)/79-पी० एफ० 2(1)]

S.O. 3495.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the establishment known as Messrs Arctic Investment and Trading Company (Private) Limited, Kanmoor House, 5th Floor, 281/87, Narshi Natha Street, Bombay-40009 have agreed that the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978.

[No S. 35018 (80)/79-PF. II (i)]

का० प्रा० 3496.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1978 से मैसर्स आर्कटिक इन्वेस्टमेंट एण्ड ट्रेडिंग कम्पनी (प्राइवेट) लिमिटेड, कनमूर हाउस, पांचवां फ्लोर, 281/87 नरसी नाथ स्ट्रीट, मुम्बई-400009, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[फा० सं० एम-35018(80)/79-पी एफ 2(2)]

S.O. 3496.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1978 the establishment known as Messrs Arctic Investment and Trading Company (Private) Limited, Kanmoor House, 5th Floor, 281/87, Narshi Natha Street, Bombay-9, for the purposes of the said proviso.

[No. S. 35018/80/79-PF. II(ii)]

का० प्रा० 3497.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि पेस्ट केमी कम्पनी, एम आई सी रोड नं० 26, केमिकल जोन, अम्बरनाथ, जिला ठाणे, जिसके अन्तर्गत 17, आशीर्वाद, प्लॉट नं० 497, रोड नं० 2, सियॉन (पूर्व), मुम्बई-22, स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018(84)/79-पी०एफ०-2*]

S.O. 3497.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pest Chem Company, MIDC Shed No. 26, Chemical Zone, Ambernath, District Thane including its branch at 17, Ashirwad, Plot No. 49, Road No. 2, Sion (East), Bombay-22, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1978.

[No. S. 35018/84/79-PF. II]

का० प्रा० 3498.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स अभय (गुरुदत्त) काकोडकर ट्रस्ट, केन्द्र ऑफ मैसर्स ए०वी० सरमालकेर सुवर्ण बांडेकर बिल्डिंग, डाक घर सं० 2, वास्को, डा-गामा, गोवा, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35018/88/79-पी०एफ० 2(1)]

S.O. 3498.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Abhay (Gurudatta) Kokodkar Trust, Care of M/s. A. V. Sarmalker Savarna Bandekar Building, Post Box No 11, Vasco-da-Gama, Goa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S. 35018 (88)/79-PF. II (i)]

का० प्रा० 3499.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जनवरी, 1979 से मैसर्स अभय (गुरुदत्त) काकोडकर ट्रस्ट, केन्द्र ऑफ मैसर्स ए०वी० सरमालकेर सुवर्ण बांडेकर बिल्डिंग, डाक घर सं० 11, वास्को-डा-गामा, गोवा, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[फा० सं० 35018/88/79-पी०एफ०-2(2)]

S.O. 3499.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of January, 1979 the establishment known as Messrs Abhay (Gurudatta) Kakodkar Trust, Care, of Messrs A. V. Sarmalker Savarna Bandekar Building, Post Box No. 11, Vasco-da-Gama-Goa, for the purposes of the said proviso.

[No. S. 35018 (88)/79-PF. II (ii)]

का० प्रा० 3500.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पांडुरा हाई कोट इण्डस्ट्रीज डाकघर पांडुरा (बाया) निरसा जिला घनबाद नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(186)79 पी०एफ० 2(1)]

S.O. 3500.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pandra Hard Coke Industries, Post Office Pandra (via) Nirsa, District Dhanbad have agreed that the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1979.

[No. S. 35019 (186)/79 PF. II(i)]

का० प्रा० 3501.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जून, 1979 से मैसेज, पांडुरा हार्ड कोक इण्डस्ट्रीज, डाक घर पांडुरा (बाया) निरसा, जिला धनबाद नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019(186)/79-पी०एफ० 2(2)]

हारा राज छाबरा, उप सचिव

S.O. 3501.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 1st day of June, 1979 the establishment known as Messrs. Pandra Hard Coke Industries, Post Office Pandra (via) Nirsa, District Dhanbad for the purposes of the said proviso.

[No. S. 35019 (186)/79-PF. II (ii)]

का० प्रा० 3502.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज ब्लैक डायमंड इण्डस्ट्रीज, कपूरिया ब्रिज, डाकघर महुदा, जिला धनबाद (बिहार), जिसके अन्तर्गत लाल बाजार, डाकघर भरिया, धनबाद, स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/188/79-पी०एफ० 2(1)]

S.O. 3502.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Black Diamond Industries, Kapuria Bridge, Post Office Mahuda, District Dhanbad (Bihar) including its branch at Lal Bazar, Post Office Jharra, Dhanbad have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S. 35019 (188)/79-PF. II (i)]

का० प्रा० 3503.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जुलाई, 1979 से मैसेज ब्लैक डायमंड इण्डस्ट्रीज, कपूरिया ब्रिज, डाकघर महुदा, जिला धनबाद (बिहार), जिसके अन्तर्गत लाल बाजार, डाक घर भरिया, धनबाद, स्थित उसकी शाखा भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019(188)/79-पी०एफ० 2(2)]

S.O. 3503.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of July 1979 the establishment known as Messrs Black Diamond Industries, Kapuria Bridge, Post Office Mahuda, District Dhanbad (Bihar) including its branch at Lal Bazar, Post Office Jharra, Dhanbad, for the purposes of the said proviso.

[No. S. 35019 (188)/79-PF. II (ii)]

का० प्रा० 3504.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेज प्रीमियर हार्ड कोक खड़किया इण्टरप्राइजेज, डाक घर पांडुरा (बाया) निरसा, जिला धनबाद (बिहार) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1989 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/189/79-पी०एफ० 2 (1)]

S.O. 3504.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Premier Hard Coke Kharkia Enterprises, Post Office Pandra (via) Nirsa, District Dhanbad (Bihar), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979

[No. S-35019/189/79-PF.II(i)]

का० प्रा० 3505.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जुलाई 1979 से मैसेज प्रीमियर हार्ड कोक खड़किया इण्टर प्राइजेज, डाकघर पांडुरा (बाया) निरसा, जिला धनबाद (बिहार) नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019/189/79-पी०एफ० 2(2)]

S.O. 3505.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter hereby specifies with effect from the first day of July, 1979 the establishment known as Messrs. Premier Hard Coke Kharkia Enterprises, Post Office Pandra (via) Nirsa, District Dhanbad (Bihar), for the purposes of the said proviso.

[No. S. 35019/189/79-PF.II(ii)]

कां० प्रा० 3506.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स महुदा हार्ड कोक मैनुफैक्चरिंग कम्पनी, कपूरिया ब्रिज, डाकघर महुदा, जिला धनबाद, जिसके अन्तर्गत लाल बाजार, डाक घर सरिया, धनबाद, स्थित उसकी शाखा भी है, नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अथ, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/190/79-पी०एफ० 2(i)]

S.O. 3506.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Mahuda Hard Coke Manufacturing Company, Kapuria Bridge, Post Office Mahuda, District Dhanbad including its branch at Lal Bazar, Post Office Jharia, Dhanbad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S. 35019 (190)/79-PF. II (i)]

कां० प्रा० 3507.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जुलाई, 1979 से मैसर्स महुदा हार्ड कोक मैनुफैक्चरिंग कम्पनी, कपूरिया ब्रिज, डाक घर महुदा, जिला धनबाद जिसके अन्तर्गत लाल बाजार, डाक घर सरिया, धनबाद स्थित उसकी शाखा भी है, नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019(190)/79-पी०एफ० 2(ii)]

S.O. 3507.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of July, 1979 the establishment known as Messrs. Mahuda Hard Coke Manufacturing Company, Kapuria Bridge, Post Office Mahuda, District Dhanbad including its branch at Lal Bazar, Post Office Jharia, Dhanbad, for the purposes of the said proviso.

[No. S. 35019 (190)/79-PF. II (ii)]

कां० प्रा० 3538.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जून, 1979 से मैसर्स ओरिएण्टल कोक इण्डस्ट्रीज, डाकघर गोबिन्दपुर, जिला धनबाद (बिहार), नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019/191/79-पी०एफ० 2(ii)]

S.O. 3508.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of June, 1979

the establishment known as Messrs. Oriental Coke Industries, Post Office, Gobindpur, District Dhanbad (Bihar), for the purposes of the said proviso.

[No. S. 35019 (191)/79-PF. II(ii)]

कां० प्रा० 3509.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि पाटलीपुत्र इण्डस्ट्रीज, डाकघर गोबिन्दपुर, धनबाद, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अथ, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/192/79-पी०एफ० 2(i)]

S.O. 3509.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Patliputra Industries, Post Office, Gobindpur, Dhanbad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1979.

[No. S. 35019 (192)/79-PF. II(ii)]

कां० प्रा० 3510.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जून, 1979 से मैसर्स पाटलीपुत्र इण्डस्ट्रीज, डाकघर गोबिन्दपुर, धनबाद नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[का० सं० एस० 35019/192/79-पी०एफ० II (ii)]

S.O. 3510.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of June, 1979 the establishment known as Messrs. Patliputra Industries, Post Office Gobindpur, Dhanbad, for the purposes of the said proviso.

[No. S. 35019/192/79-PF. II(ii)]

कां० प्रा० 3511.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री द्वारका बीहाइव प्लांट, डाक घर इगारकोर, जिला धनबाद (बिहार) नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अथ, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/193/79-पी०एफ० 2(i)]

S.O. 3511.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Shree Dwarka Beehive Plant, Post Office Egarcoor, District Dhanbad (Bihar) have agreed that the provisions of the Employees' Provident

Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by subsection (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S. 35019/193/79-PF. II(ii)]

कां०प्रा० 3512.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जुलाई, 1979 से मैसर्स श्री द्वारका बीहाइव प्लांट डाक घर इगारकोर, जिला धनबाद (बिहार), नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[कां०सं० एस० 35019/193/79-पी०एफ० 2(ii)]

S.O. 3512.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of July, 1979 the establishment known as Messrs. Shree Dwarka Beehive Plant, Post Office Egarcoor, District Dhanbad (Bihar), for the poscs of the said proviso.

[No. S. 35019/193/79-PF. II(ii)]

कां०प्रा० 3513.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि श्री रानी सती इण्डस्ट्रीज, डाक घर पांडरा, जिला धनबाद, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/194/79-पी०एफ० 2(i)]

S.O. 3513.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Shree Rani Sati Industries, Post Office Pandra, District Dhanbad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by subsection (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1979.

[No. S. 35019/194/79-PF. II(ii)]

कां०प्रा० 3514.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 30 जून, 1979 से मैसर्स श्री रानी सती इण्डस्ट्रीज, डाकघर पांडरा, जिला धनबाद नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[सं० एस०-35019/194/79-पी०एफ० II(ii)]

S.O. 3514.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of June, 1979 the establishment known as Messrs. Shree Rani Sati Industries, Post Office Pandra, District Dhanbad, for the purpose of the said proviso.

[No. S. 35019/194/79-PF. II(ii)]

कां०प्रा० 3515.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि प्रकाश उद्योग, डाक घर पांडरा, जिला धनबाद (बिहार) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35091/195/79-पी०एफ०-2(i)]

S.O. 3515.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Prakash Udyog, Post Office Pandra, District Dhanbad (Bihar), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by subsection (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1979.

[No. S. 35019/195/79-PF. II(ii)]

कां०प्रा० 3516.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 30 जून, 1979 से मैसर्स प्रकाश उद्योग, डाकघर पांडरा, जिला धनबाद (बिहार) नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिश्चित करती है।

[सं० एस०-35019/195/79-पी०एफ० 2(ii)]

S.O. 3516.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of June, 1979 the establishment known as Messrs. Prakash Udyog, Post Office Pandra, District Dhanbad (Bihar), for the purposes of the said proviso.

[No. S. 35019/195/79-P.F. II(ii)]

नई दिल्ली, 4 अक्तूबर, 1979

कां०प्रा० 3517.—लोक परिसर (अप्राधिकृत अधिनियमों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के निर्माण और आवास (संपदा निवेशालय) की अधिसूचना संख्या कां०प्रा० 127 दिनांक 4 जनवरी, 1973 का, जहाँ तक इसका संबंध उक्त अधिसूचना की सारणी के क्रम संख्या 25 और उसकी प्रविष्टियों से है, अधिकृत करते हुए, केन्द्रीय

सरकार, बीजे की सारणी के स्तम्भ (1) में वर्णित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्यक् अधिकारियों के रूप में नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट लोक परिसरों की बाबत अपनी अपनी अधिकारिता की सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्यक् अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे, और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदामिधान	लोक परिसरों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
1. चिकित्सा अधीक्षक, कर्मचारी राज्य बीमा अस्पताल, बमईदारापुर, नई दिल्ली।	कर्मचारी राज्य बीमा निगम के स्वामित्व में के या उसके द्वारा प्रजित या किराए पर लिए गए लोक परिसर जो दिल्ली संघ राज्य क्षेत्र की सीमाओं के भीतर उसके प्रशासनिक नियंत्रण में हैं, क्रमशः चिकित्सा अधीक्षक, कर्मचारी राज्य बीमा अस्पताल और निदेशक (चिकित्सा) कर्मचारी राज्य बीमा स्कीम, नई दिल्ली द्वारा प्राबलित क्वार्टरों के संबंध में।
2. निदेशक (चिकित्सा) कर्मचारी राज्य बीमा स्कीम, दिल्ली।	

[संख्या ए०-36019/1/79-एच० आई०]

हंसराज छाबड़ा, उप सचिव

New Delhi, the 4th October, 1979.

S. O. 2517.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of 4 unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Works and Housing (Directorate of Estates) No. S. O. 127, dated 4th January, 1973 in so far as it relates to serial number 25 and entries relating thereto, in the Table appended to the said notification, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of gazetted officers of Government to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers, by or under, the said Act, within the limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said table.

TABLE

Designation of Officer	Categories of Public Premises and local limits of Jurisdiction
(1)	(2)
1. Medical Superintendent, ESI Hospital, Basaidarapur, New Delhi.	Public Premises owned or acquired or hired by the Employees' State Insurance Corporation and which are under their respective administrative control and within the limits of the Union Territory of Delhi for the quarters allotted by the
2. Director (Medical) ESI Scheme, New Delhi.	

1

2

Medical Superintendent, ESI Hospital and Director (Medical) ESI Scheme, New Delhi respectively.

[No. A-36019/1/79-HI].

HANS RAJ CHHABRA, Dy. Sec.

New Delhi, the 4th October, 1979

S.O. 3518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Calcutta Regional Committee (Tariff Advisory Committee) and their workmen which was received by the Central Government on 28th September, 1979.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 30 of 1978

PARTIES :

Employers in relation to the management of Calcutta Regional Committee (Tariff Advisory Committee) Calcutta;

AND

Their workmen.

APPEARANCES :

For Employers.—Shri Sarkar, Advocate.

For Workmen.—Shri Chandidas Sinha, General Secretary, National General Insurance Employee's Union.

INDUSTRY : Insurance

STATE : West Bengal

Dhanbad, the 16th September, 1979

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. L-17011(6)/77-D.IV(A) dated the 4th April, 1978.

SCHEDULE

(i) Whether the following demands of the National General Insurance Employees' Union are justified :—

- providing five Superintendents in the Calcutta Regional Committee (Tariff Advisory Committee); and
- posting six Records Clerks in place of two Record Clerks in the Calcutta Regional Committee (Tariff Advisory Committee).

(ii) Whether the management of Calcutta Regional Committee (Tariff Advisory Committee) are justified in denying promotion to two seniormost Peons as Head Peons? If not, to what relief and from what date are the employees entitled?

(iii) Whether the management of Calcutta Regional Committee (Tariff Advisory Committee) are justified in denying the daftry allowance of Rs. 20 per month to Shri Lakshman Ram with effect from the 1st January, 1973? If not, to what relief is the concerned workman entitled?

On behalf of the workmen the General Secretary of the National General Insurance Employees Union has filed a statement of claim stating that as per the Tariff Advisory

Committee (Staff) Amended Regulations, 1975 (hereinafter referred to as the Amended Regulations) Class II employees of the Tariff Advisory Committee (hereinafter referred to as the T.A.C.) are classified into five categories viz. Superintendents, Senior Assistants, Stenographers, Assistants and Record Clerks. Separate scales of pay for each of the aforesaid categories are also provided. The union contends that the categorisation and the new scales of pay should be given effect to from 1-1-73. Despite the above amendment the management has not classified any of the employees as Superintendents or Record Clerks. The union approached the management for redressal of this grievance. As the management was not conceding the demands the union referred the matter to the R.L.C. (C) Calcutta for his intervention. The efforts at conciliation having failed, the R.L.C. submitted a failure of conciliation report on receipt of which the present reference is made to this Tribunal for adjudication. The union says that five posts of Superintendents should be created with effect from 1-1-73 at the rate of one Superintendent for each section. For the purpose of classifying the employees to fill up the posts of Superintendents no norms have been laid down in the Amended Regulation. The union says that the norms prescribed for the General Insurance Corporation (hereinafter referred to as G.I.C.) employees under the Rationalisation Scheme 1974 should be followed by the T.A.C. in this regard by promoting the senior most Senior Assistants who are virtually working as Sectional Heads. The management refused to designate any employee as Superintendent on the plea that the G.I.C. had abolished that post which is said to be far from truth. While the present reference is pending before this Tribunal the management divided the Fire Section into two sub-sections placing one Officer in charge of both the Sections. It is said that this action of the management was with a view to deprive the existing employees an opportunity of being classified as Superintendents. The union contends that there should be six posts of Record Clerks, two for the Fire Section and one each for the other four Sections. The union further submits that the management has posted one Class IV person to work as Head Peon ignoring the principle of seniority. They also say that there should be three Head Peons and not two and the posting of Head Peons should be strictly on the basis of seniority alone. The workman Sri Lakshman Ram was working as Daftary from a long time prior to 1-1-73 on payment of Rs. 5/- per month as functional allowance. The union says that after the coming into force of the Amended Regulations from 1-1-73 Lakshman Ram is entitled to receive Rs. 20/- per month by way of Daftary allowance. They pray for the payment of difference of Rs. 15/- per month from 1-1-73 onwards. From 1-7-75 this post of Daftary was abolished and consequently no Daftary allowance was paid till 9-8-77. When this post was again sanctioned the union demands the functional allowance of Rs. 20/- per month from 1-7-75 till 9-8-77.

The Regional Secretary of the T.A.C. Calcutta has filed a written statement on behalf of the Tariff Advisory Committee Calcutta Region. He says that the Govt. made this reference without applying its mind as it failed to appreciate the nature and obligations arising out of the Amended (Staff) Regulations. It is said that the demands now raised by the union are not sustainable on the basis of the Amended (Staff) Regulations and the service conditions. He also says that the dispute now raised by the union relates to upgradation or promotion which is exclusively a managerial function and not categorisation. He also raises the plea that the reference U/S 10(1)(d) of the Industrial Disputes Act is not maintainable as it involves interpretation of the Staff Regulations. It is further submitted that the demand for categorisation regarding the post of Superintendent does not arise as no such post is existing in the Calcutta Regional Committee. They say that the post of Record Clerk is to be filled in by promoting a Class IV employee after considering his merit, suitability, seniority etc. Seniority alone cannot be considered for this purpose. According to them the demand for the Daftary Allowance at the rate of Rs. 20/- per month for Lakshman Ram with effect from 1-1-73 is misconceived and not maintainable in law. The post carrying functional allowance for Class IV employees including Daftaries could be created only after the competent authority defined the functions for entitlement of such functional allowance. Till such time as the competent authority defined those functions no functional allowance could be claimed. For this reason they say that Lakshman Ram is not entitled to this Functional allowance from 1-1-73 till 7-8-77 when he was actual-

ly posted as a Daftary. They also say that the demand for more Head Peons and their selection only on the basis of seniority is a matter within the management's discretion and the bonafide exercise of such discretion cannot be challenged by the union. They contend that if the number of posts of Head Peons is to be determined on the basis of the strength of the Peons the management would be compelled to declare some posts of Peons surplus. They also say that if this reference is to be answered in favour of the workmen of the Calcutta Regional Committee it would invariably lead to further industrial unrest and repercussion in the other Regions.

The union on behalf of the workmen filed a rejoinder to the management's written statement, denying the management's contention that the dispute relates to upgradation or promotion. They also deny the averments that this reference was made by the Central Govt. without proper application of their mind or that this reference is void and not maintainable in law.

The management filed a rejoinder to the workmen's written statement of claim which is a mere denial of the several averments made therein.

On the above pleadings the issues that arise for determination are—

- (1) Whether the union is competent to espouse the cause of the workmen herein?
- (2) Whether the demand for placement of Senior Assistants in the category of Superintendents and some of the Peons in the category of Record Clerks in upgradation/promotion or categorisation?
- (3) Whether the management is bound to create the post of Superintendent as mentioned in Regulation 4 of the Amended Regulations 1975?
- (4) Whether this categorisation has to be given retrospective effect from 1-1-73?
- (5) Whether at the instance of the union this Court is competent to determine the number of posts to be created in each of the categories as per the Amended Regulations?
- (6) Whether promotion to the post of Head Peons should be only on the basis of seniority?
- (7) Whether Lakshman Ram is entitled to the arrears of Daftary allowance with effect from 1-1-73?
- (8) To what relief?

At the outset it must be mentioned that Item I(a)&(b) of the Schedule to the reference does not bring out the real points in controversy between the parties. Annexure 'A' to the Employer's written statement is the letter addressed by the union on 3-6-77 placing the matter before the R.L.C. for his intervention. Ext. W-1 is the minute of discussion the union had with the T.A.C. (C.R.C.) on 17-1-78 on matters relating to the staff of the Calcutta Regional Committee. Ext. W-2 dated 4-7-77 is the rejoinder submitted by the management to the A.L.C. (C) to the letter of the union placing the dispute before the A.L.C. Ext. W-3 contains the comments to the note Ext. W-4 submitted by the Joint Secretary of the union to the A.L.C. (C). A careful reading of the above exhibits shows that the real dispute between the parties before the A.L.C. was regarding the categorisation of the existing staff as Superintendents and Record Clerks as per the Amended Staff Regulation 4 and the cadre strength of each of those two categories of posts. While the management maintained that selection to the post of Superintendents and Record Clerk was by way of promotion, the union maintained that it was categorisation. There was some controversy regarding the number of the posts of Superintendents and Record Clerks that had to be created in pursuance of the Amended Staff Regulations. The issues are accordingly framed to reflect the real controversy between the parties during conciliation proceedings and before this Court.

Point (1)—From the pleadings we get the information that before the amendment of the Insurance Act, 1938 effective from 1-6-69, the Tariff Committee and its Regional Councils were under the control of the Insurance Association of India an organisation of the Insurance Companies. After the amendment the Tariff Committee was placed under the con-

trol of the Controller of Insurance, an Officer from the Ministry of Finance, Govt. of India, the Regional Councils became Regional Offices of the Tariff Advisory Committee and the Controller of Insurance became the head of the organisation for administration as well as implementation of Rules and Regulations relating to the functions of the Regional Committees. The functions of the T.A.C. and its Regional Committees are among others to regulate tariff rates for the general Insurance business and to aid and to advise the General Insurance Industry on matters connected therewith. There are four Regional Committees, one each at Calcutta, Bombay, Madras and Delhi. The T.A.C. is located at Bombay. In order to bring the service conditions of the staff of the T.A.C. and the Regional Committees at par with those of the staff of the G.I.C., the T.A.C. with the prior approval of the Central Govt. framed Tariff Advisory Committee (Staff) Regulations, 1970. Some of the provisions in this 1970 Regulations were amended by T.A.C. (Staff) Amended Regulations, 1975. Under the 1970 Regulations Class III (clerical) posts had only one category viz. Assistants. Under Regulation 5 (ibid) Item 20 all employees other than those covered under 1 to 19 and Items 21 to 23 in the service of the Tariff Committee and the Regional Councils were re-designated as Assistants. There was some discontent in the matter of proper categorisation of Category III posts and after consultation with the staff representatives Regulation (4) of 1970 was amended as follows :—

“(3) In Regulation 4 of the principal Regulations, for the entries

“Class III—Assistants.

Class IV—Subordinate Staff”, the following entries shall be substituted,—namely :—

“Class III—(i) Superintendents (ii) Senior Assistants (iii) Stenographers (iv) Assistants (v) Record Clerks.

Class IV—(Subordinate Staff) (i) Drivers (ii) All other subordinate staff i.e. all these redesignated as peons and sweepers under Clause (xxi) and Clause (xxii) of Sub-regulation (1) of regulation 5.”

Under the amended Regulation 5, the Senior Assistants, Assistants and employees working as Stenographers were re-designated as per the classification in Amended Regulation 4. But the Amended Regulations are silent with regard to the categorisation of Superintendents and Record Clerks. The union herein raised a dispute with the management regarding the creation of the posts of Superintendents and Record Clerks and the fixation of cadre strength of each of the two categories. The union maintained that there should be five posts in the category of Superintendents and six posts in the category of Record Clerks. It is not disputed that persons working in Class IV category as Peons are eligible for being posted as Record Clerks. No norms have been laid down in the Amended Regulations for appointment of the existing members of the staff to the post of Superintendent. The union maintains that the Assistants in the selection grade who were virtually acting as Section Heads should be selected to fill in the post of Superintendent. The management took the stand that there was no need to create the posts of Superintendents and even if there was any such need it was a case of promotion, which was a managerial function, and that the union had no say in the matter. So far as Record Clerks are concerned the management maintained that it is a case of promotion from Class IV to Class III and not a case of categorisation.

In view of the stand taken by the management the union placed the matter before the R.L.C. for his intervention. Regarding the other demands now in question viz., creation of three posts of Head Peons, the union's case is that as in the G.I.C. there should be one Head Peon for every ten peons and on that basis there should be three posts of Head Peons. In the matter of posting of Head Peons the union insisted that the management should follow the principle of seniority alone and no other criterion. The management maintained that seniority-cum-suitability and merit should be the factors in the matter of selection of Peons to the post of Head Peons and not seniority alone. They further pleaded that the cadre strength of Head Peons should be determined by them and not by the Union. Regarding the payment of

arrears of Daftary allowance to Laksman Ram with effect from 1-1-73 the union's case is that even before 1-1-73 there was a post of Daftary in Calcutta Regional Committee office carrying a functional allowance of Rs. 5 per month. After the coming into force of the Staff Regulations the management stopped payment of this Rs. 5 allowance as no post of Daftary was sanctioned by the Secretary of the T.A.C. After the post was sanctioned with effect from 9-8-77 Laksman Ram was appointed as Daftary with a functional allowance of Rs. 20 per month. The union contends that the functional allowance is payable with retrospective effect from 1-1-73 and from that date to 1-7-75 Laksman Ram is entitled to claim the difference of Rs. 15 per month. From 1-7-75 when this post was abolished till 9-8-77 when it was created once again, the union demands Rs. 20 per month by way of arrears. The management submits that till the post was sanctioned in August 77 Laksman Ram was not entitled to any of the benefits claimed.

After the attempt at conciliation failed the present reference is made to this Court. Sri Sarkar the learned Advocate for the management questions the competence of the union to raise this dispute on behalf of the workmen herein. According to him out of about 50 employees working in the T.A.C. (C.R.C.) only two persons were members of this union at the time of the raising of this dispute viz. Sri A. Francis WW-1 Senior Assistant and Sri M. Acharya WW-2 Peon. With such a poor representation the union can have no locus-standi to raise a dispute on behalf of the entire staff. Sri C. Sinha the General Secretary of the union submits that since this objection has not been raised in the pleadings of the T.A.C., the management should not be permitted to raise the same at the time of arguments. It is true this plea is not raised in the management's written statement or rejoinder. During the course of the cross-examination of WW-1 & WW-2 they were asked to state how many of the employees of the T.A.C. (C.R.C.) were on the rolls of this union. They stated that on the date of their deposition except themselves there was no other member. WW-1 was examined on 26-7-79 and WW-2 on 27-7-79. MW-1 the Regional Secretary Sri M. Desai was also examined on 27-7-79. In his examination-in-chief MW-1 stated that since his office did not maintain any record of the number of employees affiliated to each of the three unions functioning in the T.A.C. he could not say how many members there were at the material time in the National General Insurance Employees union. According to him there were two unions in the T.A.C. (C.R.C.) besides the union in question viz. the Eastern Zone General Insurance Employees Union and the General Insurance Employees Association (Eastern Region) functioning in the T.A.C. (C.R.C.). After the close of the evidence the matter was adjourned from 27-7-79 to 23-8-79. No request was made by Sri Sinha to adduce any further evidence on the question of membership on the relevant date viz. the date on which the dispute was raised. During the course of the arguments Sri Sinha contended that on the relevant date 20 per cent of the members of the T.A.C. (C.R.C.) were members of his union though by the date of the hearing of this case the said membership had dwindled to two. The relevant record is not produced to substantiate this claim. In the circumstances it cannot be said that Sri Sinha was taken by surprise by the management raising this plea of the union's competence to espouse this cause. He had nearly one month's time to adduce the necessary evidence to prove his membership on the date of dispute. The management has also not adduced any evidence to challenge the claim made by Sri Sinha that on the relevant date 20 per cent of the staff belonged to his union. No such objection was ever raised during the pendency of the conciliation proceedings.

Sri Sarkar further submitted that since only two members of the staff viz. WW-1 & WW-2 have come forward to depose before this Court in support of their claim, this dispute has to be treated as an individual dispute of the said two persons and since the other members of the staff on whose behalf also the union claims to raise this dispute are not before the Court to give evidence, their case need not be considered. There is force in this contention and this point will be dealt with at the appropriate place. On Point (1) I hold that without a proper plea to that effect in the written statement the management cannot be permitted to question the competence of the union to raise this collective dispute on the relevant date.

Point (2)—So far as Record Clerks are concerned it is admitted that Peons in Class IV are eligible to that post. The union contends that this posting of Peons as Record Clerks cannot be considered to be a promotion but a re-classification in the light of the Amended Regulations, 1975. The management dispute this stand. Sri Sarkar relies upon the evidence of WW-2 who is a Peon aspiring to become a Record Clerk to the effect that Record Clerk's post is a promotional post. Further the post of Record Clerk is in Class III whereas a Peon belongs to Class IV staff. Since service in Class III post is decidedly superior to that of a Class IV post, it stands to reason to hold that Record Clerks posts are promotional posts.

Sri Sinha contends that since in the G.I.C. Rationalisation Scheme Record Clerks posts are to be filled in by proper categorisation of the existing staff having regard to the duties actually entrusted to them, the same method should be followed in the case of the T.A.C. staff also. Under the G.I.C. Rationalisation Scheme Regulation 5(3)(c) all employees designated as Record Clerks or Filing Assistants and all employees who are not in the specific salary grade relating to subordinate staff and whose duties are mainly one or more of those mentioned therein are entitled to be categorised as Record Clerks. This shows that Peons are not entitled to be categorised as Record Clerks. In the instant case WW-2 is admittedly a Peon in Class IV (sub-staff).

The claim that Record Clerks posts should be filled in by categorisation of Class IV staff according to the functions that were being discharged by them on the relevant date should be rejected.

The next question to be considered is whether filling up the post of a Superintendent from the category of Assistants Selection Grade (re-classified as Senior Asstt. under 1975 Amended Regulation) is by way of promotion or classification. Sri Sinha for the union submits that it is only a classification because both the posts of Superintendents and Senior Assistants come under Class III. He also draws analogy from the G.I.C. Rationalisation Scheme 1974 wherein Superintendent post is to be filled up by re-categorisation. The relevant provision in Regulation 5(2)(a) of that scheme which is given below may be noticed:

"5(2)(a) Superintendents: Subject to sub-paragraph (4), the following shall be eligible to be considered as Superintendents, namely :—

- (i) all those designated as Superintendents, Section Heads, Assistant Superintendents, Staff Assistants, Head Clerks, and Supervisors working in a supervisory capacity;
- (ii) all those designated as Junior Officers in United India Fire & General Insurance Co. Ltd. Unit—"Union Cooperative";
- (iii) all those employees with specific scales or qualifications specially recruited in a position equivalent to one of those mentioned in sub-clause (i) or sub-clause (ii)."

Shri Sinha submits that the Staff Regulations, 1970 & 1975 have been introduced to make the service conditions of the T.A.C. employees uniform with those of the G.I.C. This position is not seriously disputed by Shri Sarkar. As can be seen from para 30 of the management's written statement wherein it is stated that the object of introducing this regulation was to introduce and ensure uniformity in the scale and grade and other various items to all the employees of the T.A.C. as well as Rationalisation "pari-materia" with the service conditions of the employees of the General Insurance Industry. Therefore if in the G.I.C. according to the Rationalisation Scheme filling in the post of Superintendent is by way of classification, I see no reason why the same method should not be adopted in the case of T.A.C. also.

On behalf of the union it is contended that the Assistants Selection Grade i.e. Senior Assistant under 1975 Regulations were virtually discharging the functions of a Section Head. There is no material placed before me in support of that contention. The management disputes this contention of the union. None of the Senior Assistants or Assistants Incharge other

than WW-1 has appeared before this Court in support of their case that the functions they are now performing entitled them to be categorised as Superintendents. It is then pointed out that WW-1 Shri A. Francis is now virtually performing the duties of a Superintendent and therefore he should be re-classified as a Superintendent. It is also said that WW-1 is specially directly recruited to the post of Assistant Selection Grade with much higher initial start taking into account his past experience, knowledge and capacity. WW-1 in the course of his evidence stated that he was formerly employed as Chief Supervisor in the Marine Cargo Department of the Calcutta Regional Committee drawing Rs. 600/- plus Rs. 150/- D.A. After he was retrenched from the Marine Cargo Department (C.R.C.) he was offered the selection grade clerical post with a higher initial start of Rs. 465/- in the grade of Rs. 305-15-365-20-505/- as per the appointment letter Ext. W-7 dated 5-8-71. He further stated that the Chief Supervisor's post he held in the Marine Cargo Department was a Class I post because a Class I Officer started on a basic salary of Rs. 575/- after the introduction of the 1970 Regulations. He also claims that while the other selection grade Clerks and Assistants-in-charge were doing purely clerical work he was entrusted with secretarial duties. So he feels that he is superior in status to all the other Selection Grade Clerks and Assistants-in-charge all over the country. He says that his re-classification as a Senior Assistant as per the 1975 Regulation is nothing more than the former selection grade Assistant's post. Whatever the superior qualification of WW-1 may be this Court cannot direct the management to select him for the post of Superintendent. It is the management's function to make the selection. So far no guidelines have been laid down in the Amended Regulations or in pursuance thereof for classifying Class III staff to the post of Superintendent. After such guidelines have been laid down the management will have to consider the suitability of the several persons eligible for being classified in that category including WW-1. Further the other eligible candidates for the post of Superintendent from among the ranks of Senior Assistants and Assistants-in-charge are not before the Court and in their absence it is not proper that this Court should be called upon to decide the claims of WW-1 alone for the superior post.

On Point (2) I hold that selection to the post of Record Clerk from the category of Peons (Class IV sub-staff) is by way of promotion and selection to the post of Superintendent from the existing categories of Senior Assistants and Assistants-in-charge is by way of categorisation.

Point (3)—Regarding the post of Superintendent it is a post in Class III though the salary attached to it is Rs. 100/- more at the initial stage than that of a Senior Assistant. The grade of Superintendent is Rs. 330-25-405-30-525-35-665-40-865 whereas the Senior Assistant's post is in the grade of Rs. 230-15-275-20-335-25-485-EB-30-665-35-735. Though the post of Superintendent is created under the Amended Regulations admittedly so far this post has not been sanctioned. The stand taken by the management before the R.L.C. was that since the G.I.C. had abolished this post, the management of the T. A. C. had not chosen to create this post. The union in their statement of claim asserts that in fact the G. I. C. are now posting several persons in the category of Superintendents. The management in Ext. W-3 their comments submitted to the A. L. C. (C) stated that when the Staff Regulations were being amended they informed the representatives of the staff union that this was no need for a clerical supervisory cadre and that for the sake of uniformity with the G. I. C. grade they were keeping the grades, even though they did not propose to create any position in that grade. This plea is not taken in the written statement. Nor is it put to the witnesses WW-1 and WW-2. The Regional Secretary as WW-1 has also not adverted to this case. WW-1 in the course of his deposition to a question put by the Court stated that it was the management's prerogative to classify some of the employees as Superintendents. He also stated that at the moment the need for a Superintendent's post was not felt by the management. The union contends that it is obligatory on the part of the management to re-classify the existing Class III staff into the several categories mentioned in Regulation 4 as amended in 1975. There is considerable force in this contention. Further as stated in the employer's written statement the amendments to the Staff Regulations, 1970 were brought about after taking into account the representations of the employees of the T.A.C. The demand for the re-classification of the staff in Class III appears to have been based on the ground that under the

1970 Regulations Class III staff were given one common designation of Assistants. Some of them were given selection grade. From the evidence of MW-1 it appears that some of them are designated as Assistants-in-charge but with no additional pay. Though the categorisation is one, in the discharge of their functions all the Assistants were not placed alike. Some were discharging more responsible functions and some others less responsible. Hence the demand for categorisation, the persons shouldering greater responsibility as Superintendents and persons shouldering less responsibility as Senior Assistants and below. That being the case it may not be open to the management to say after this new classification has been introduced that they are not feeling the need for the post of the Superintendent. Another argument advanced on behalf of the management against classifying the existing staff as Superintendents is that the management under Amended Regulation (5) has chosen to classify only three categories of Class III staff viz. selection grade Assistants, Assistants and election grade and ordinary grade of Assistants doing the work of stenography as per the Amended Regulation (4) of 1975 and did not choose to say anything in respect of the categorisation of Superintendents and Record Clerks. The Amended Regulations have got statutory force. When the management has not laid down rules in respect of the classification of Superintendents and Record Clerks in the Amended Regulations, this Court cannot proceed to supply the deficiency. I do not agree. What all the Amended Regulation (5) has done is to re-designate the existing categories, Senior Assistants or Assistants and Stenographers in terms of the Amended Regulation (4). It is only re-designation and not classification. It may also not be correct to say that by directing the management to classify some of the members of the existing staff as Superintendents, this Court is trying to over-ride the provisions of the Amended Regulations having statutory force. When the Regulation says that there should be category of Class III staff known as Superintendent and the management is declining to create such a position in utter disregard of that regulation, this Court will only be correcting the management's stand in respect of the implementation of this regulation without adding anything thereto. I do not also agree with the view advanced on behalf of the management that the post of Superintendent is a promotional post and not one to be filled in by re-classification or re-categorisation. May be the post of Superintendent carries higher initial start and the maximum in the scale also is higher than that of a selection grade Assistant (now re-designated as Senior Assistant). That is consistent with the workmen's demand that the management should pay their Class III staff according to the responsibility they are actually shouldering. This is what seems to have been done in the Rationalisation Scheme of the G.I.C. the provisions of which are said to apply pari materia to the staff of the T.A.C. I hold accordingly.

For the reasons mentioned above I hold on Point (3) the management is bound to create the post of Superintendent in obedience to Regulation 4 of the Amended Regulation 1975.

Point (4)—Shri Sinha for the workmen then contended that the persons categorised as Superintendents should be paid the salary fixed for that category from 1-1-73. On behalf of the management it is contended that the Amended Regulations except to the extent indicated are only prospective and not retrospective. Shri Sinha invites attention to the wording of the Amended Regulation 49-A in support of his contention that the re-categorisation also should be with retrospective effect from 1-1-73. The said Regulation is given below —

"49A. Refixation of Salary in Certain Cases : (1) On the commencement of the Tariff Advisory Committee (Staff) Amendment Regulations, 1975, every employee belonging to Class III and Class IV shall be fitted into the new scale of pay relating to the category to which he is placed at a basic salary....."

He lays stress on the words "shall be fitted into the new scale of pay relating to the category to which he is placed". According to him before the salary of an employee is re-fixed he should be first put in the appropriate category and then his salary in the new scale should be worked out. There seems to be force in this contention. Shri Sarkar for the management invites attention to Amended Regulation (1) Clause 2 which provides that the Amendment Regulations shall come into force at once. From this it is argued that these Amended Regulations are only prospective except to the extent indicated in Regulation 49-A (6a). As already stated Regulation 49A provides

for categorisation before re-fixation of salary and the salary so re-fixed should be paid with effect from 1-1-73 as per sub-clause 6a of Regulation 49A. I hold that the re-categorisation to the post of Superintendent and the consequent re-fixation of salary should be with effect from 1-1-73. Point (4) found for the workmen.

Point (5)—On behalf of the workmen it is demanded that the cadre strength of Superintendents is to be fixed at 5, one for each of the five Sections. They also say that the cadre strength of Record Clerks should be fixed at 6. The management takes the stand that fixing of the cadre strength is the exclusive function of the management. Shri Sinha did not seriously dispute this position. Point (5) held against the workmen.

Point (6)—The case of the union is that there should be three Head Peons, i.e., one Head Peon for every 10 Peons as per the prevailing practice in the G. I. C. In the matter of selection to the post of Head Peons which carries a functional allowance of Rs. 20 per month, the management should follow the principle of seniority alone and nothing else. The staff who are interested in placing this demand have not chosen to come before the Court to speak to their case. In the absence of the concerned workmen I do not consider it proper to go into this question. Point (6) is answered accordingly.

Point (7)—The union's case on his point is that the workman Lachman Ram was working as a Daftry even before 1-1-73 drawing a functional allowance of Rs. 5/- per month. From 1-1-73 till 1-7-75 he worked as a Daftry drawing the same allowance of Rs. 5/- per month. As per the Amended Regulations, 1975 the Daftry allowance is raised to Rs. 20/- per month. The union demands that the difference in the functional allowance of Rs. 15/- per month should be paid to Lachman Ram from 1-1-73 onwards. Since the Secretary of the T. A. C. did not determine the number and names of persons eligible to draw this functional allowance having regard to the load of work and administrative requirements, the T.A.C. (C.R.C.) stopped the payment of this extra allowance of Rs. 5/- to Lachman Ram. With effect from 9-8-77 after obtaining the necessary directions from the Secretary, T.A.C., the Regional Committee started paying Lachman Ram Rs. 20/- per month as Daftry Allowance. The union demands that Lachman Ram should be paid arrears of Daftry allowance from 1-7-75 till the date of his appointment as Daftry. Lachman Ram has not chosen to appear before the Court to press his demand. There is no evidence before the Court to show the nature of the functions discharged by him from 1-1-73 till 9-8-77 to see if he is entitled to this arrears of Daftry Allowance. This issue is therefore answered against the workman.

Point (8)—In the result this reference is answered as follows :

I(a) & (b) of the Schedule—The demand of the union for the creation of the posts of Superintendents and the filling in of the same by way of categorisation from among the ranks of eligible staff including WW-1 after laying down the necessary norms is justified.

Determination of cadre strength of Superintendents and Record Clerks is a managerial function and the union has no say in the matter.

Points II & III of Schedule are answered against the concerned workmen for want of prosecution of their respective claims.

P. RAMAKRISHNA, Presiding Officer
[No. L-17011(6)/77-D. IV (A)]

NAND LAL, Desk Officer

नई दिल्ली, 27 सितम्बर, 1979

प्रावेश

कां० प्रा० 3519.—न्याय प्रोजेक्ट (पावर विंग) के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व व्यास प्रोजेक्ट पावर विंग वर्कर्स यूनियन करती है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम 1947 (1647 का 14) की धारा 10-क की उपधारा (1) के

उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थता के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थता करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थता करार को, जो उसे 19 सितम्बर, 1979 को मिला था, प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) व्यास प्रोजेक्ट (पावर विंग)—(डी० पी० पी० कन्स्ट्रक्शन सर्किल) और उनके कर्मकार, जिनका प्रतिनिधित्व व्यास प्रोजेक्ट पावर विंग वर्कर्स यूनियन (रजिस्टर्ड) स्लैपर (हिमाचल प्रदेश) करती है, के बीच पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले : व्यास प्रोजेक्ट (पावर विंग) के

- (1) श्री के० सी० गुप्ता,
कार्यकारी इंजीनियर (प्रशा०)
- (2) श्री मदन मोहन,
कामिक अधिकारी
- (3) श्री पी० सी० सैनी,
अम निरीक्षक

कर्मकारों का प्रतिनिधित्व करने वाले : (1) श्री एम०एम० टोगर, अध्यक्ष
(2) श्री कालू राम, महासचिव
(3) श्री प्यारा सिंह, कार्यकारी सचिव।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री वी०पी० गुप्ता संयुक्त मुख्य श्रमायुक्त (केन्द्रीय), अम शक्ति भवन, रफी मार्ग, नई दिल्ली को माध्यस्थता के लिए निर्देशित करने का करार किया गया है।

(1) विनिर्दिष्ट विवादग्रस्त विषय :

"क्या व्यास कन्स्ट्रक्शन बोर्ड (पावर विंग) के प्रबन्धन की श्री कालू राम, इलेक्ट्रीशियन को जो बेहार पावर प्लांट स्लैपर में काम कर रहा था, व्यास कन्स्ट्रक्शन बोर्ड (पावर विंग) की सेवा से छटनी करने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुसंधान का हकदार है ?

(2) विवाद के पक्षकारों का विवरण, (1) मुख्य इंजीनियर (इलेक्ट्री-जिममें अंतर्बलित स्थापन या श्रियन), व्यास कन्स्ट्रक्शन बोर्ड (पावर विंग) एम०सी० प्रो० नं० 189-191, सेक्टर 17सी, खडोड़।

(2) अधीक्षक इंजीनियर, डी० पी० पी० कन्स्ट्रक्शन सर्किल, सुन्दर नगर (हिमाचल प्रदेश)

(3) यदि कोई संघ प्रशंगत कर्मकारों व्यास प्रोजेक्ट पावर विंग वर्कर्स यूनियन का प्रतिनिधित्व करता हो तो (रजिस्टर्ड) एच० प्रो० ई०-2, उसका नाम। 100, स्लैपर, जिला मंडी (हिमाचल प्रदेश)

(4) उपक्रम में नियोजित कर्मकारों 500 (डी० पी० पी० कन्स्ट्रक्शन की कुल संख्या। में)

(5) विवाद द्वारा प्रभावित या संभावित प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या। एक

हम यह करार भी करते हैं कि मध्यस्थता का विनिर्णय हम पर ब्राब्रुकर होगा। मध्यस्थता अपना पचाट चार मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाए, देगा। यदि पूर्ववर्णित कालावधि के भीतर पचाट नहीं दिया जाता तो माध्यस्थता के लिए निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यस्थता के लिए बातचीत करने को स्वतंत्र होंगे।

ह० ह० ह० ह०
के०सी० गुप्ता, मदन मोहन एम०एम० टोगर कालू राम
ह० ह०

(पी०सी० सैनी)

(प्यारा सिंह)

नियोजकों का प्रतिनिधित्व करने वाले कर्मकारों का प्रतिनिधित्व करने वाले साथी :

1. ह० (योगेश कुमार), आशुलिपिक
2. ह० (तोना राम), उच्च श्रेणी लिपिक

[सं० एल-42012/42/79-डी० 2 (बी०)]

हरबन्स बहादुर, डेस्क अधिकारी

New Delhi, the 27th September, 1979

ORDER

S. O. 3519.—Whereas an industrial dispute exists between the employers in relation to the management of Beas Project (Power Wing) and its workmen represented by Beas Project Power Wing Workers Union;

And, whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 19th September, 1979.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947).
BETWEEN

The management of Beas Project (Power Wing)—
(D.P.P. Construction Circle) and their workmen represented by Beas Project Power Wing Workers Union (Regd.)
Slapper (H.P.)

Name of the Parties :

Representing Employer (1) Shri K. C. Gupta,
Executive Engineer (Admn.)

(2) Shri Madan Mohan,
Personnel Officer

(3) Shri P. C. Saini,
Labour Inspector of Beas
Project (Power Wing).

Representing workmen (1) Shri M. S. Toggar, President
(2) Shri Kalu Ram, General
Secretary.

(3) Shri Piara Singh, Executive
member.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri V. P. Gupta, Jt. Chief Labour

Commissioner (Central), Shram Shakti Bhavan, Rafi Marg,
New Delhi.

Specify matter in dispute:

"Whether the action of the management of Beas Construction Board (Power Wing) in retrenching Shri Kalu Ram, Electrician, working in Dehar Power Plant, Slapper from the service of Beas Construction Board (Power Wing) is justified? If not to what relief the workman is entitled to.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved: (1) The Chief Engineer (Electrician), Beas Construction Board (Power Wing), S.C.O. No. 189-191, Sector 17C, Chandigarh. (2) The Superintending Engineer, D.P.P. Const. Circle, Sundernagar (H.P.)

(iii) Name of the Union, if any, representing the workman in question. Beas Project Power Wing Workers Union (Regd.), H.O. E-2, 100 Slapper Distt. Mandi (H.P.)

(iv) Total number of workmen employed in the undertaking. 500 (in D.P.P. Construction Circle)

(v) Estimate number of workmen affected or likely to be affected by the dispute. One

We further agree that the decision of the Arbitrator shall be binding on us. The arbitrator shall make his award within a period of four months or within such further time as is extended by mutual agreement by us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Sd/-	Sd/-
(M. S. TOGGAR)	(KALU RAM)
Sd/-	Sd/-
(K.C. GUPTA)	(MADAN MOHAN)
Sd/-	Sd/-
(P. C. SAINI)	(PIARA SINGH)
Representing Employer	Representing Workmen
Witness :-	
(1) Sd/-	(2) Sd/-
(YOGESH KUMAR)	(TOTA RAM)
Stenographer	U.D.C.

[No. L-42012(42)/79-D. II (B)]

HARBANS BAHADUR, Desk Officer.

New Delhi, the 28th September, 1979

S.O. 3520.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Andhra Pradesh, Hyderabad to the industrial dispute between the employer in relation to the management of Kalyana Rama Mica Mine, Kalichedu, Nellore District and their workmen, which was received by the Central Government on the 10th September, 1979.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Dated : 24th August, 1979.

Industrial Dispute No. 4 of 1978.

BETWEEN :

Workmen of Kalyana Rama Mica Mine,
Kalichedu, Nellore District.

AND

The Management of Kalyana Rama Mica Mine,
Kalichedu, Nellore District.

This Industrial Dispute coming for final hearing before me on 22-8-1979 upon perusing the Claim statement, Counter and other material papers on record and upon hearing the arguments of Sri P. Ramakotiah, President, A. P. Mica Labour Union, Sudur for Workmen and Sri D. Gopala Rao, Member of the Andhra Pradesh Federation of Chamber of Commerce and Industry for Management and having stood over for consideration till this date, the Tribunal passed the following :—

AWARD

This arises out of a reference made by the Government of India, Ministry of Labour, by its order dated 2-2-1978 under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 in respect of an industrial dispute that arose between the Management of Kalyana Rama Mica Mine, Kalichedu in Nellore District and their Workmen and the issues that are referred for adjudication are the following :—

SCHEDULE

"Whether the Management of Kalyana Rama Mica Mine, Kalichedu, is justified in dismissing Sri M. Navaneetham, Clerk, in Mica Factory. If so, whether the punishment awarded is proportionate to the offence committed by him?"

2. The facts that gave rise to the reference are briefly the following.—Sri M. Navaneetham was employed as a Clerk of M/s. Kalyana Rama Mica Mine, Kalichedu in Nellore District. Alleging that the said Mr. Navaneetham, behaved in a disorderly manner towards the Manager of the Mine, and also assaulted Sri Varadarajan, the Manager of the Mine by means of a chappel trespassing into his office and was thus responsible for bringing the work of the factory to standstill, a charge-sheet dated 24-4-1976 was served on him and he was asked to submit his explanation why disciplinary action shall not be taken against him. Finding that the explanation submitted by Mr. Navaneetham was not satisfactory, a domestic enquiry was ordered to be conducted. The Workman however did not appear before the Enquiry Officer in spite of the fact that the enquiry was adjourned for his appearance number of times. The enquiry was therefore conducted *ex parte* after which a report was submitted finding the Workmen guilty of three of the four charges framed against him. The management which accepted the findings of the Enquiry Officer, issued a notice calling upon the workman to show cause why he shall not be dismissed from service for the misconduct proved. Finding that there are no extenuating circumstances in the explanation submitted by the Workman, the Management ultimately passed an order dismissing the Workman from service w.e.f. 7-7-1976. The appeal preferred by the Workman to the Proprietor of the Mine was not disposed of. Aggrieved by the said order of dismissal, the workman through the Workers' Union approached the Conciliation Officer and efforts at conciliation having failed, the Government of India after satisfying itself that there exists an industrial dispute between the Management and the Workman, referred the same to this Tribunal for adjudication under Section A. and 10(1)(d) of the Industrial Disputes Act, 1947.

3. The case of Sri M. Navaneetham who shall hereafter be referred as the Petitioner as per the claims statement filed by him is the following.—Mr. M. Navaneetham the

Petitioner was first employed as a clerk on 17-1-1956 in M/s. Sai Rama Mica Mine, Kandali. He was later transferred to Sai Krishna Mica Mine of Mittatmakur in or about June, 1960. From there he was transferred to M/s. Kalyana Rama Mica Mine, Kalichedu in September, 1963. This was done because all the 3 Mines are owned by one and the same Management. The Petitioner was provided with quarters in which he was living with his family. On 23-4-1976 at about 4.30 P.M., electricity to his quarters was dis-connected for no valid reason at the instance of Sri Varadarajan the then Manager of the Company. After coming to know about this, the Petitioner approached the Manager and asked him as to why the electric supply was dis-connected to his house. Instead of giving the reason for dis-connection the manager got wild and pounced upon the Petitioner and also attempted to beat him with a chappal. In order to avoid being beaten with the chappal, the Petitioner snatched the chappal from the hand of the Manager. Though the Petitioner did not commit any act of mis-conduct, a charge sheet was served on him 24-4-1976 falsely alleging that he not only mis-behaved and caused disturbance at the premises of the Company, but also assaulted the Manager with a chappal. A complaint to the Police was also given by the Manager against the Petitioner. In spite of giving a complaint to the Police, the Management initiated disciplinary proceedings against the Petitioner. The Petitioner however could not participate in the enquiry proceedings as by that time his father was seriously ill and the Petitioner had to stay at Venkatagiri attending on his ailing father. He therefore requested the Management to postpone the enquiry. But the Management which was bent upon somehow removing the Petitioner from service proceeded with the enquiry behind the back of the Petitioner and ultimately removed him from service without even considering the explanation submitted by the Petitioner both to the charge sheet as well as to the final show cause notice issued to him. The action on the part of the Management in getting the electric supply dis-connected to his quarters and making a false charge against him itself shows that the Management was vindictive and such an action cannot be sustained. The Petitioner was also not paid any wages or subsistence allowance during the period of his suspension. Thus there was no justification for the Management to remove the Petitioner from service. The Petitioner who had put in a loyal service of more than 20 years was unnecessarily victimised at the instance of Mr. Varadarajan the then Manager. Ever since he was removed from service, the Petitioner has not been able to secure any alternative job. Since his dismissal is illegal, the Petitioner is entitled to be reinstated into service with back wages and all other attendant benefits.

4. The Management has filed a counter contending as follows:—It is true that the Petitioner was employed as a clerk in the service of Sri Kalyana Rama Mica Mine, Kalichedu, but the allegation that this Mine as well as the other Mines, namely, Sai Rama Mica Mine and Sai Krishna Mica Mine are owned by the same Management and that the Petitioner was transferred from the service of those Mines to the service of Sri Kalyana Rama Mica Mine is false. Sri Kalyana Rama Mica Mine is owned by Sri Kalyana Rama Company, Madras which is a partnership firm and it became the owner of the Mica Mine at Kalichedu for the first time in 1962. The Petitioner joined the service of this Mine in 1963 and worked in different capacities before he was dismissed from service on 7-7-1976. During April, 1976, there was power cut in the State and so the Management wanted all its employees to observe utmost economy in consuming power. Even the Petitioner was told about it on 22-4-1976 by the then Manager as the Petitioner was seen burning light in the back yard throughout the night. In spite of being asked to observe economy and not to put on the back yard light throughout the night, it was noticed by the Manager that the back yard light was burning throughout the night on 22-4-1976. This was brought to the notice of the Petitioner on 23-4-1976 at about 10 A.M. and he was questioned by the instructions given by the Manager were not followed. The Petitioner, instead of offering any excuse for not following the instructions of the Manager, behaved in an indecent manner and told the Manager on his face that he was not going to follow the instructions of Manager. The Manager, therefore had to order for disconnection of the electric supply to the quarters allotted to the Petitioner. That was done at about 4.00 P.M. on 23-4-1976. Enraged at that, the Petitioner rushed into the office room of the Manager in the evening at about 4.30 P.M. and assaulted him with a chappal. He was however prevented from further assaulting the Manager by the Office-boy and others who, in the meantime rushed into

the Manager's room and snatched the chappal from the hand of the Petitioner. Since such act on the part of the Petitioner was a serious one affecting the discipline of the employees, a charge sheet was served on the Petitioner on 24-4-1976, and he was asked to explain why action shall not be taken against him for having indulged in such riotous and unruly behaviour. He no doubt submitted his explanation denying the alleged charges and as it was found to be unsatisfactory, a domestic enquiry was ordered to be conducted. The Petitioner scenting that action was going to be taken against him, absconded from duty, and went on sending letters asking for postponement of the enquiry. The enquiry which was scheduled to be commenced on 4-5-1976 had to be adjourned number of times just to enable the Petitioner to participate in the enquiry and as he did not appear till 19-5-76 upto which the enquiry was postponed, the enquiry was commenced, during the course of which 9 witnesses were examined on behalf of the Management before the Enquiry Officer. Because the Petitioner was not present when the above witnesses were examined, the Management thought it fit to give him another chance and so sent a notice dated 20-5-1976 asking the Petitioner to appear and cross examine the witnesses examined on behalf of the Management. The Petitioner however without appearing went on asking for postponement of the enquiry on the pretext that his father filed on 23-5-1976 and that he therefore required 20 days time. The enquiry was therefore adjourned to 6-6-1976 but the Petitioner once again sought for extension of time which was however refused. After waiting for about a week the enquiry was concluded and a report was submitted finding that the Petitioner was guilty of the mis-conduct as described in items 10(1)(h) and 10 (1)(g) of the Standing Orders while holding that the charge described in Standing Order 10(1) (h) was not proved. The findings of the Enquiry Officer were accepted by the Management and a final notice calling upon the Petitioner why he shall not be dismissed from service was issued. The Petitioner gave a reply that no action can be taken against him on the basis of the ex parte enquiry conducted and that he might be given another opportunity to defend himself. This was not accepted by the Management and having regard to the gravity of the mis-conduct proved, the Petitioner was rightly dismissed from service by an order dated 7-7-1976. Since the Petitioner was afforded sufficient opportunity to defend himself in the enquiry held into the mis-conduct alleged, which was proved, the action taken by the Management in dismissing the Petitioner from service cannot be questioned nor can it be said that the punishment awarded is in any way dis-proportionate to the mis-conduct proved. The Petitioner is not therefore entitled to any relief.

5. Though the impugned order of dismissal passed against the Petitioner was preceded by a domestic enquiry, the Management did not seek a finding on the validity of the domestic enquiry before leading evidence in this matter. It therefore follows that the Management is not relying on the domestic enquiry held against the Petitioner, as a consequence of which the matter has to be decided on merits on the basis of the evidence adduced before this Tribunal.

6. In proof of their respective contentions, one witness on each side is examined and the documents filed on their behalf are marked as Exs W1 to W35 and M1 to M3 respectively.

7. The Petitioner was removed from service by an order dated 7-7-1976 on a charge that he mis-behaved with the then Manager of the Company and also assaulted him with a chappal. Ex. W5 is the charge sheet served on the Petitioner while Ex. W6 is the explanation submitted by the Petitioner to the charge sheet. Most of the other documents filed on behalf of the Workman, comprise of his petitions sent to the Management or the Enquiry Officer, seeking postponement of the enquiry proceedings and now that the Management is not relying on the enquiry proceedings, I do not propose to consider those documents. After the conclusion of the enquiry, the Petitioner was served with a final notice calling upon him to show cause why he shall not be dismissed from service and this notice is Ex. W4. Ex. W26 is the order by which the petitioner was removed from service. In proof of the charges levelled against the petitioner, then Manager Mr. Varadarajan whom the petitioner is alleged to have assaulted is examined as M.W. 1 and he deposed that because of the power cut during April, 1976, he instructed the petitioner who was seen burning the back-yard light throughout the night, not to do so and observe strict economy on the morning of 22-4-1976, that in spite

of his instructions, the light in the backyard of the Petitioner's quarters was seen burning although the night of 22-4-1976, that therefore when the Petitioner went to the office on the morning of 23-4-1976, he questioned the Petitioner as to why he defied the instructions given by him on the previous day, that the Petitioner instead of giving any reasonable explanation, started misbehaving with him and also beat him with a chappal and that the office boy and others who intervened in the meantime snatched the chappal from the Petitioner and prevented the Petitioner from further assaulting him. It is further his evidence that he had also given a complaint against the Petitioner on which he was prosecuted and that the offence was however compounded as assaulting him. It is further his evidence that he had also given therefore acquitted by the Criminal Court and this is evident from Ex. M3 the certified copy of the order passed by the Judicial First Class Magistrate Vankatagiri. Even the Petitioner has filed a certified copy of the same and that is marked as Ex. W28. M.W. 1 denied the various suggestions made on behalf of the petitioner during the course of cross examination to the effect that when the electricity was disconnected, the Petitioner only asked M.W. 1 as to why such dis-connection was ordered, that M.W. 1 lost temper and tried to assault the Petitioner with a chappal and that the Petitioner managed to snatch it from the hands of M.W. 1. All these suggestions were promptly denied by M.W. 1.

8. The Petitioner who got himself examined as W.W. 1 has stated that when he went and asked M.W. 1 as to why the electric supply was dis-connected to his quarters, the latter pounced upon him and tried to assault with a chappal and that he only snatched it in order to avoid being assaulted. He also stated that the Manager gave a false complaint against him and also got a charge sheet issued with false allegations solely with a view to get him removed from service.

9. On a careful consideration of the evidence of M.W. 1 and W.W. 1, I am convinced that the denial on the part of the Petitioner about the assault made by him is not true and that what is stated by M.W. 1 is more convincing. That the Petitioner alone must have assaulted the Manager with a chappal can also be seen from the fact that he gave a letter of apology to M.W. 1, who was graceful enough to have the offence compounded so as to see that the Petitioner may not suffer from double punishment as by that time he was already removed from service on the basis of the domestic enquiry held against him. This fact could not be denied even by the Petitioner and therefore I am obliged to prefer the evidence of M.W. 1 to that of the Petitioner and find that the charge that the Petitioner assaulted the Manager by means of a chappal on the evening of 23-4-76 is made out.

10. Once the charge is held proved, it is for the Management to decide the quantum of punishment that can be awarded. In the instant case, the Management thought it fit to dismiss the Petitioner from service having regard to the gravity of the mis-conduct, I am convinced on the facts and circumstances of the case that the punishment cannot be said to be unreasonable or disproportionate. It might be true that the Petitioner had put in a long unblemished service but that is no ground to take a lenient view of the matter as, it would only amount to a mis-placed sympathy because the action of the Petitioner in assaulting the Manager with a chappal while he was in the office for the simple reason that the Manager got the electric supply dis-connected to the quarters of the Petitioner who was found to be burning the light all through the night in spite of the instructions due to the powers cut imposed, must be viewed seriously. It was lastly urged on behalf of the Petitioner that having regard to his past service, the dismissal order passed against him may atleast be converted into one of discharge simpliciter so that the Petitioner may be able to get the gratuity and other benefits to which he would otherwise be entitled. I do not think it a fit case even for converting the punishment into one of discharge simpliciter as it would certainly affect the discipline amongst the workmen without which there cannot be industrial peace.

11. In the result, I find that the mis-conduct proved being a very serious one, there are absolutely no reasons to interfere with the punishment of dismissal awarded and that the Petitioner is not therefore entitled to any relief.

12. An award is therefore passed rejecting the claim made by the Petitioner-workman.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of August, 1979.

G. SADASIJA REDDY, Presiding Officer
[No. L-28012/2/77-D.III(B)]
A. K. ROY, Under Secy.

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR WORKMEN :

W.W. 1.—Sri M. Navaneetham.

FOR MANAGEMENT :

M.W.1—Sri S. C Varadarajan.

DOCUMENTS EXHIBITED FOR THE WORKMEN :

- Ex. W1—Appointment order dated 19-1-1956 issued by the Department of Industries to Sri M. Navaneetham.
- Ex. W2—Service card dated 20-1-1956 pertaining to Sri M. Navaneetham.
- Ex. W3—Retrenchment notice dated 21-5-1962 issued by Sri Sai Krishna Mica Mines to Sri M. Navaneetham.
- Ex. W4—Service card dated 1-9-1963 and family particulars of Sri M. Navaneetham in Kalyana Rama Mica Mine.
- Ex. W5—Notice dated 24-4-1976 issued by Sree Kalyana Rama Mica Mine to Sri M. Navaneetham intimating him that he would be kept under suspension from 24-4-1976 to 27-4-1976.
- Ex. W6—Copy of the letter dated 24-4-1976 addressed by Sri M. Navaneetham to the Agent Kalyana Rama Mica Mine.
- Ex. W7—Copy of the letter dated 26-4-1976 addressed by Sri M. Navaneetham to the Agent Kalyanarama Mica Mine, requesting for 10 days' leave from 28-4-1976 to 7-5-1976.
- Ex. W8—Copy of the letter dt. 8-5-76 addressed by Sri M. Navaneetham to the Agent Kalyana Rama Mica Mine, requesting leave from 8-5-76 to 20-5-76.
- Ex. W9—Notice dated 11-5-1976 issued by the Management of Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham, informing that Departmental enquiry would be held against him on 14-5-1976.
- Ex. W10—Copy of the letter dated 13-5-1976 addressed to Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichedu, informing that he would not be present on 14-5-1976 due to the illness of his father.
- Ex. W11—Notice dated 14-5-1976 issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham informing him that the enquiry has been posted on 19-5-1976.
- Ex. W12—Copy of the letter dated 17-5-1976 addressed by Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichedu, requesting that he would not be present on 19-5-1976, due to serious condition of his father.
- Ex. W13—Copy of the letter dated 19-5-1976 addressed by Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichedu, requesting for adjournment till 1-6-1976.
- Ex. W14—Notice dated 18-5-1976, issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri Navaneetham confirming the date of enquiry on 19-5-1976.
- Ex. W15—Notice dated 20-5-1976 issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham, informing the date of enquiry as 25-5-1976 and extension of the date of suspension upto 26-5-1976.
- Ex. W16—Copy of the letter dated 20-5-1976 addressed by Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichedu, requesting leave from 21-5-1976 to 31-5-1976 as his father is not well.

Ex. W17—Copy of the letter dated 24-5-1976, addressed by Sri M. Navaneetham, to the Agent Sree Kalyana Rama Mica Mine, Kalichedu, informing that his father has been expired on 23-5-1976.

Ex. W18—Extract relating to the death of Sri Navaneetham's father issued by the Registrar of Births and Deaths Venkatagiri Panchayat.

Ex. W19—Notice dt. 27-5-76 issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham, informing the date of enquiry as 6-6-76 and extension of the date of suspension upto 7-6-76.

Ex. W20—Copy of the letter dt. 31-5-76 addressed by Sri M. Navaneetham, to the Agent Sree Kalyana Rama Mica Mine, Kalichedu requesting leave from 1-6-76 to 10-6-76.

Ex. W21—Copy of the letter dt. nil addressed by Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichendu, requesting for adjournment.

Ex. W22—Telegram dt. 5-6-76 sent by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham informing that enquiry cannot be postponed.

Ex. W23—Letter dt. 5-6-76 addressed by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham informing that the enquiry cannot be postponed.

Ex. W24—Notice dt. 12-6-76 issued by the Agent Sree Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham.

Ex. W25—Copy to the letter dt. 15-6-76 addressed by Sri M. Navaneetham to the Agent Sree Kalyana Rama Mica Mine, Kalichedu.

Ex. W26—Notice dt. 7-7-76 issued by the Agent Sri Kalyana Rama Mica Mine, Kalichedu to Sri M. Navaneetham informing that he has been dismissed from service.

Ex. W27—Copy of the appeal dt. 12-7-76 addressed to the Ruje the owner of the Kalyana Rama Mica Mine, Kalichedu by Sri M. Navaneetham.

Ex. W28—Certified copy of the order dt. 3-8-77 issued by Judicial First Class Magistrate, Venkatagiri to Sri M. Navaneetham.

Ex. W29—Copy of the notice dt. 21-7-76 sent by the Union to the Management.

Ex. W30—Postal acknowledgement dt. 31-7-76 from the Agent Sree Kalyana Rama Mica Mine, Kalichedu.

Ex. W31—Copy of the representation dt. 28-10-76 sent by the Union, to the Assistant Commissioner of Labour (C) Vijayawada.

Ex. W32—Minutes of discussions held on 9-11-76 at Gudur.

Ex. W33—Minutes of discussions held on 31-1-77 in the Office of the Labour Enforcement Officer (Central), Gudur, Nellore District.

Ex. W34—Minutes of discussions held on 14-2-77 in the Office of the Labour Enforcement Officer (C) Gudur, Nellore District.

Ex. W35—Failure report dt. 15-2-77 of the conciliation.

DOCUMENTS EXHIBITED ON BEHALF OF THE MANAGEMENT :

Ex. M1—Reply dated 24-4-1976 of Mr. M. Navaneetham to the Management's notice dated 23-4-1976.

Ex. M2—Certified copy of the apology letter dated 20-6-1977 given by Sri M. Navaneetham to Sri S. C. Varadarajan.

Ex. M3—Certified copy of the order of acquittal passed by the Judicial First Class Magistrate, Venkatagiri.

Sd./-

INDUSTRIAL TRIBUNAL

New Delhi, the 17th September, 1979

S.O. 3521.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal (C), Hyderabad in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Godavari Khani, Karimnagar District (Andhra Pradesh) and their workmen which was received by the Central Government on 10th September, 1979.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Dated 30-7-1979

Industrial Dispute No. 24 of 1978

BETWEEN

Workman of Singareni Collieries Company Limited, Godavari Khani, Karimnagar District. ... Petitioner

AND

Management of Singareni Collieries Company Limited, Godavari Khani, Karimnagar District ... Respondent.

This case coming for final hearing before me on 13th July, 1979 in the presence of Sri A Laxman Rao, Advocate for the Petitioner and Sarvasri K. Srinivasa Murthy and K. Satyanarayana Rao, Advocates for the Respondent and having stood over for consideration till this way, the Tribunal passed the following :—

AWARD

On an Industrial dispute that arose between the Management of Singareni Collieries Company Limited, Godavari Khani and Sri V. Venkataiah, Motor Driver, the Government of India (Ministry of Labour) by an Order dated 19th August, 1978 referred the dispute to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 and the issues that are referred for adjudication are the following :—

"Whether the action of the management of Singareni Collieries Company Limited in offering Badli Filler's job to Shri V. Venkataiah, Motor Driver, whose name was removed from Company's rolls for overstaying the period of sanctioned leave is justified? If not, to what relief is the concerned workman entitled?"

2. The case of Sri V. Venkataiah the workman who shall hereafter be referred to as the petitioner as per the claim statement filed is briefly the following :—The Petitioner joined the service of Singareni Collieries Company Limited, Godavari Khani (Respondent) as a Lorry Driver in March, 1960. Ever since he joined service, he has been discharging his duties to the best of his ability and to the entire satisfaction of his superiors. He applied for leave from 1st June, 1974 to 7th June, 1974 and went to his native place where he fell sick and could not report for duty soon after the expiry of the leave that was granted to him. He, therefore, applied for extension of his leave from 8th June, 1974 to 30th June, 1974. After the expiry of the extended leave, he reported for duty on 1st July, 1974 and also produced a Medical Certificate but the Assistant Controller of Stores before whom he reported for duty, did not permit the Petitioner to join duty. The Petitioner was not even informed then that his name was removed from the rolls of the Company with effect from 19th June, 1974 under Standing Order 11(c), nor was he served with a copy of such an order. The Petitioner subsequently came to know that his name was removed from the rolls of the Company under Standing Order 11(c) which provides that a workman who overstayed the sanctioned leave is liable to lose his lien on the appointment

unless he satisfies the Management of his inability to report for duty within a period of 10 days after the expiry of the leave. The Standing Order under which the Respondent appears to have acted cannot be treated as mandatory, as it is only directory in nature. The Petitioner, because of his serious illness, could not report for duty soon after the expiry of the leave applied for by him. It cannot therefore be posited that irrespective of the existence of any justifiable grounds for the workman for not being able to turn up within 10 days after the expiry of the leave and explain his inability to report for duty within the time, will entail the Management to terminate his service having recourse to the Standing Orders. However, striking of the name or removal of the name of the workman from the rolls is termination and such termination amounts to retrenchment within the meaning of Section 2(00) of the I. D. Act. The Respondent-Management in the instant case, has not complied with the mandatory provisions of Section 25 F of the I. D. Act, 1947 in that the Petitioner was not paid notice pay and retrenchment compensation at the time of termination and on this ground also the order passed by the Management must be held to be illegal.

3. Under Standing Order, 11(c) whenever a workman's name is removed from the rolls the Management is under an obligation to offer him a job of badli-filler. The Respondent-Management in the instant case appears to have offered the job of badli-filler to the Petitioner subject to the condition that he shall forfeit the offer if he fails to report for duty on or before 18th September, 1974. Even this order was never served on the Petitioner and by the time he came to know of such order the time fixed for joining the post of badli-filler had already expired. The above order shall therefore be treated as honest. The action of the Respondent-Management in passing the order of termination under the guise of striking off his name from the rolls, is nothing but a colourable exercise of its powers and as the same is contrary to the mandatory provisions contained in Section 25 F of the I. D. Act, the same is liable to be set aside, with a direction that the Respondent shall reinstate the Petitioner with full back wages and other attendant benefits.

4. The Respondent-Management has filed a counter contending as follows :— It is true that the Petitioner was first appointed as a Driver in the service of the Respondent on 4th March, 1960. But his contention that he was discharging his duties to the utmost satisfaction of his superiors is not true. He was in fact involved in a theft case in which regard charges were framed and an enquiry was also held after which an order of dismissal was about to be passed though it was in fact not passed. The Petitioner reported sick and was treated in the Company's hospital from 24th May, 1974 to 31st May, 1974. He then applied for leave from 1st June, 1974 to 7th June, 1974 which was sanctioned. The Petitioner after the expiry of the leave failed to report for duty on 8th June, 1974 onwards. He never applied for extension of leave as alleged by him. Nothing was heard from him till he approached the Assistant Labour Commissioner, and hence the allegations that he applied for extension of his leave till 30th June, 1974, that he reported for duty on 1st July, 1974 but was not permitted to rejoin duty by the Assistant Controller of Stores, and that he did not receive either the intimation that his name was struck off from the rolls or that he was offered the post of badli-filler are all false and are made only with a view to prejudice the Tribunal and lay a false claim. Since the Petitioner without any intimation remained absent from 8th June, 1974 onwards and also failed to appear and explain his unauthorised absence, his name was removed from the rolls under Standing Order 11(c). Such an action taken by the Management does not amount to termination of his service or retrenchment so as to attract the provisions of Section 25 F of the I. D. Act. Removal of his name from the rolls is only an automatic function by virtue of Standing Order 11(c). The fact that he made a mention of his name having been removed from the rolls, in his petition to the Assistant Labour Commissioner (Central) (2), dated 19th November, 1977 would itself disclose that the Petitioner was served with the order under which he was offered the post of badli-filler in which post he had to join within the period prescribed therein. The contention of the Petitioner that no such order was received by him is therefore, false. However as the Respondent-Management struck off the name of the petitioner, in accordance with the Standing Orders which are binding on both the parties and as the Petitioner refused to accept the post of badli-filler, the action taken by the Management does not amount to either termination or retrenchment and the Petitioner cannot therefore invoke Section 25 F of the I. D. Act as a consequence of which he will not be entitled to any relief.

tioner cannot therefore invoke Section 25 F of the I. D. Act as a consequence of which he will not be entitled to any relief.

5. On the above pleadings, the points that arise for consideration are :—

- (1) Whether the petitioner-workman applied for extension of leave from 8th June, 1974 to 30th June, 1974 ?
- (2) Whether the petitioner-workman reported for duty along with a medical certificate on 1st July, 1974 but was not permitted to join duty ?
- (3) Whether the petitioner-workman had no notice of the fact that he was offered the post of badli-filler, after removing his name from the rolls, prior to 18th September, 1974 ?
- (4) Whether the action of the management in striking off the name of the petitioner from rolls amounts to termination ?
- (5) If so, whether such termination is valid ?
- (6) To what relief the workman is entitled ?

6. Point 1.—The facts that the Petitioner-workman was first appointed as a Driver in the service of the Respondent-Management on 4th March, 1960, that he applied for leave from 1st April, 1974 to 7th June, 1974 which was sanctioned and that he failed to report for duty on 8th June, 1974 soon after the expiry of the leave which was sanctioned or within ten days thereafter are not in dispute. The Petitioner-workman has no doubt alleged in the claim statement that he did apply for extension of leave till 30th June, 1974 but the same is denied by the Respondent-Management. In proof of their respective contentions one witness on each side is examined and W. W. 1 is the Petitioner himself. His own evidence would reveal that his present contention that he applied for extension of leave from 8th June, 1974 to 30th June, 1974 is not true, because he never stated so in his evidence. On the other hand he only stated that he sent his brother-in-law by name P. Sanjeevan to inform the Respondent-Management that he was laid up with typhoid and was taking treatment from Dr. Ananth Reddy at Karimnagar. If his plea that he had applied for extension of leave till 30th June, 1974 is true, he should have stated so in his evidence. He has not also chosen to examine his brother-in-law through whom, he claims to have sent information to the Respondent-Management. The fact that the Petitioner sent an application seeking extension of leave or sent his brother-in-law to inform the Management that he was not able to report for duty is denied by M. W. 1 who is examined on behalf of the Management. In view of the inconsistency between the evidence of the Petitioner and the plea taken in the claim statement in this regard, I am not prepared to believe that the Petitioner had really applied for extension of leave or had at least sent information about his inability to report for duty through his brother-in-law.

7. Point No. 2.—It is also the evidence of the Petitioner that he reported for duty on 1st July, 1974 and that the Assistant Controller of Stores did not permit him to join duty. Even this is denied by M. W. 1 before whom the Petitioner claims to have reported for duty on 1st July, 1974. There is nothing on record except the self serving testimony of the petitioner to show that he did report for duty on 1st July, 1974. It is significant in his regard to note that for the first time the Petitioner moved the conciliation machinery only in the year 1977. Though the Petitioner claims to have sent three or four petitions to the Respondent-Management with a request to permit him to rejoin duty, which fact is denied by M. W. 1, the Petitioner has not filed the office copies of any one of such letters or petitions. He no doubt very conveniently stated that he did not maintain office copies of any those petitions submitted by him. Here again I am prone to state that no reliance can be placed on the testimony of the Petitioner, particularly when it is not even pleaded in the claim statement that he did complain to the management against the Assistant Controller of Stores for not allowing him to join duty on 1st July, 1974 or that he sent any representations in that regard. It therefore follows that the Petitioner did not report for duty for a considerable period, i.e., till 1977 in which year he moved the conciliation officer.

8. Point No. 3.—It is also the case of the petitioner-workman that the Assistant Controller of Stores, before whom he

reported for duty on 1st July, 1974 did not even inform him that his name was struck off from the rolls and that no notice in that regard was sent to him. As per the plea in the claim statements, he came to know about it only after 18th September, 1974, before the expiry of which he was to join as badli-filler. It is significant to note that he has not specified in the claim statement, as to on which date he came to know about it and how. Even in his evidence he did not choose to give the date on which he came to know about the fact of his name being removed from the rolls. It was only in re-examination that it was elicited from him that he came to know about it from the notice board in which the proceedings were entitled. Here again he has failed to give the date. His failure to give the date, I am satisfied is only with a design, the same being to substantiate his contention that he was not aware of the action taken by the Management.

9. To refute the above stand taken by the petitioner, the management relies on Ex. M 1 which is a copy of the petitioner's representation made to the Asstt. Labour Commissioner, where in the petitioner, while referring to the fact of the management terminating his services, has also mentioned that a copy of the termination order was enclosed to that petition of his. If he was not served with any order intimating that his name was removed from rolls and was offered the post of a badli-filler, he would not have been in a position to send a copy of the order to the Asstt. Labour Commissioner. He has no doubt stated that he copied it from the order exhibited in the notice board of the company. This is not disclosed in Ex. M 1. He did not also state so in his evidence till it was elicited in the re-examination. No reliance can therefore be placed on his evidence in this regard. Indeed, the management did not file the acknowledgment of the petitioner, in proof of his having received the communication, said to have been sent to him on 19th June, 1974 as per the evidence of M.W. 1. That acknowledgment is said to have been lost or misplaced. I see no reason to disbelieve M.W. 1. I am convinced, on the other hand that the petitioner-workman, is not coming forward with truth. I therefore find that the petitioner-workman was aware of the fact of his name having been removed from the rolls long prior to 18th September, 1974 and that he, for reasons best known to him failed to move in the matter till 1977.

10. Points 4 and 5.—The main ground on which the validity of the action taken by the management in striking off the name of the petitioner-workman from the rolls in question is that it amounts to termination of his service. Which must be held to be illegal for non-compliance of the mandatory provisions of Section 25-F of the I. D. Act. If it is termination, there can be no denial of the fact that the management is under an obligation to give one month's notice or pay him wages for that period and also retrenchment compensation as provided in Section 25-F of the I. D. Act. Failure to comply with Section 25-F renders the termination invalid and this position in law is indisputable.

The contention of the management, is that its action in removing or striking off the name of the petitioner from rolls, does not amount to termination so as to attract the provisions of Section 25-F of the I. D. Act, since his name was removed for his unauthorised absence for more than ten days after the expiry of the sanctioned leave, in accordance with the Standing Order 11(c) of the company, and that such action cannot be equated with termination within the meaning of Section 2(oo) of the I. D. Act. Standing Order 11(c) on which the management relies, reads as follows :—

"If the employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless :

- (i) he returns within a 18 days of the expiry of the leave ; and
- (ii) gives an explanation to the satisfaction of the Manager of his inability to return before the expiry of leave. In case the employee loses his lien on the appointment he shall be entitled to be kept on the "Badli" list. Notwithstanding anything mentioned above, any employee who overstays his sanctioned leave or remains absent without properly approved leave will render himself liable for disciplinary action."

Relying on the above Standing Order the Respondent-Management contends that the Petitioner must be deemed to have lost his lien on the job and that he is not therefore entitled to any relief. This was opposed by the learned counsel for the Petitioner, according to whom, the Standing Order relied on by the Management is not mandatory but is only directory. It was urged that the Standing Order, by virtue of which the name of the Petitioner was removed from the rolls, cannot be treated as mandatory as there may be cases where the workman who went on leave could not report for duty within the time prescribed for various valid reasons. In this regard he also relied on a decision of a Division Bench of the Bombay High Court in "Kashibai Sachindanand v. Messrs. Hindustan Pencils Private Limited [1975 (11) LLJ, page 73.] Their Lordships in the above case, while dealing with the effect of the Model Standing Order 13(4) which is similar to Standing Order 11(c) of the Respondent-Management have held as follows :—

"Failure of the workman to report for duty after the expiry of leave originally granted, or his failure even to report within eight days of each expiry makes the workman only, 'liable to loss his lien on his appointment' and expose him to the possibility of the loss of the job. This by itself cannot result in his losing the job or appointment. He would not lose the job if he has valid and unavoidable cause for such late reporting. This appears to be the true construal of Clause 13(4) of the Model Standing Order."

"The Standing Orders are intended to protect the workman from the arbitrary and high handed treatment of their employers and at the same time to ensure their regular attendance and prevent dislocation of work. Such provisions are required to be liberally construed in the light of the objects. The use of the word "may" or "shall" is never decisive in determining the mandatory character or nature of any clause or provision."

11. While holding so their lordships found that the workman therein cannot be deemed to have lost his lien for the mere reasons that she failed to join duty soon after the expiry of the leave which was granted. The learned counsel also relied on yet another decision of the Supreme Court in *Deihi Cloth and General Mills v. Sambhu Nath Mukherjee and others* [1978 (1) LLJ, page 1] that was also a case where the name of the workman was struck off from the rolls of the Management for his over-stayed of the leave granted to him. Their Lordships had to consider whether that amounts to retrenchment within the meaning of Section 2(oo) of the I. D. Act. While holding on facts that the workman therein was not absent for more than eight consecutive days after the expiry of the leave sanctioned to him, their Lordships, on the question whether striking off the name of workman from the rolls by the Management amounts to termination of his service and whether such termination is retrenchment within the meaning of Section 2(oo) of the I. D. Act held that it amounts to termination and that such termination is retrenchment within the meaning of Section 2(oo) of the I.D. Act.

12. The learned counsel for the respondent-management, in repelling the above contention of the petitioner, relied on the decision in "National Engineering Industries, Ltd., Jaipur and Hanuman," [1967 (2) LLJ 883, S.C.] and an unreported decision of the A. P. High Court in W. P. No. 4787/78 which arose out of I. D. No. 67/77 on the file of the Labour Court, Hyderabad. In the first cited case, their Lordships of the Supreme Court, while dealing with the question whether removal of the name of the workman from rolls, for his unauthorised absence in accordance with the Standing orders of the company, held that where a standing order provides that a workman would lose his lien on his appointment, if he does not join duty within certain time after his leave expires, it can only mean that his service stands automatically terminated when the contingency happens and that it does not amount to termination of service as defined in Section 2(oo) of the I.D. Act. This decision has not been referred to by their Lordships in the case reported in 1978(1) LLJ. 1 S.C.; on which the petitioner relied. It cannot therefore be said that the decision in 'National Engineering Industries Ltd., vs. Hanuman' on which the management relied stands over ruled. Further their Lordships of the A. P. High Court, in W. P. 4787/78 have also referred to the decision of the Supreme Court, which was distinguished on facts by the Labour Court and agreed with the opinion expressed by the Labour Court,

that the action of the management in treating the termination therein as termination simpliciter owing to the unauthorised absence of the workman and not retrenchment. The absence of the workman, therein which was also for nearly three years was held to constitute abandonment of service or voluntary retirement, in terms of Standing order 20 of the I.D.P.L., which brings the case within the exception contained in sub-clause (a) of Section 2(oo) of the I.D. Act. Because the workman in the instant case also, remained absent for over three years, without moving in the matter, the learned counsel for the management urged in the alternative, that the failure on the part of the workman to turn up for duty for so long a period must be treated as abandonment of service in which case also, he will not be entitled to treat the action of the management as one of termination within the meaning of Sec. 2(oo) so as to attract Sec. 25-F of the I.D. Act.

13. The learned counsel for the petitioner-workman no doubt contended that the decisions relied on by him serve as direct authorities on the point and have to therefore be preferred to the decisions relied on by the management. In this connection, I have to point out that the opinion expressed by their Lordships of the Bombay High Court in "Kashibai Satchinanand vs. Hindustan Pencils Private Ltd." was in relation to the model standing orders and not the certified standing orders. In "Delhi Cloth and General Mills Ltd., vs. Shambhunath Mukherjee and others." [1978 (1) L.J.J. 1] their Lordships, on facts found that the workman therein was not absent for more than eight consecutive days and the observation that striking off the name of the Workman from the rolls amounts to termination which in turn amounts to retrenchment within the meaning of Sec. 2(oo) has to be taken as the one made having regard to the fact that the workman therein was not absent for more than eight days. This is the only way in which the above observation made by their Lordships has to be understood to bring harmony between the said decision and the decision in "National Engineering Industries, vs. Hanuman". If it was the intention of their Lordships to lay down that striking off the name of a workman from the rolls invariably amounts to termination, attracting Sec. 25-F, notwithstanding the unauthorised absence for more than eight or ten days as the case may be, there will be no sanctity for the standing orders by which the parties are bound. Further, their Lordships would have certainly referred to the decision in "National Engineering Industries Ltd.," and overruled the same. Since that has not been done, I am inclined to think that striking off the name of Shambhunath Mukherjee, by the management of Delhi Cloth & General Mills Ltd, was treated as termination amounting to retrenchment within the meaning of Sec. 2(oo) of the I.D. Act, by their Lordships only because, the workman therein was not absent for more than eight consecutive days. I therefore find that the action of the management in the instant case in striking off the name of the petitioner from rolls, is not retrenchment as to attract Sec. 25-F and that it brings about automatic termination of the service, not on account of any action on the part of the management only on account of the failure of the workman to report for duty within ten days after the expiry of the sanctioned leave.

14. Even if it is to be assumed that the Standing Order on which the Management relies is not mandatory, the conduct of the Petitioner in sleeping over the matter for over three years definitely amounts to abandonment of service. I have already shown that the Petitioner has not come forward with truth. On the other hand he chose to make certain false allegations to the effect that he did not receive any order intimating him that his name was struck off from the rolls or that he was offered the post of a Badli Filler. Indeed

the Management also has not filed any proof such as the postal receipt or acknowledgement of the Petitioner in proof of having sent such communication to the Petitioner. But the application made by the Petitioner to the Assistant Labour Commissioner (C) Hyderabad on 22-9-1977 would make it clear that he did receive the termination order dated 19-6-1974 under which he was also offered the job of Badli Filler which he did not however accept, which is evident from Ex. M1. I have already found there is no proof except the oral assertion made by the Petitioner to the effect that he atleast made a demand on the Management claiming reinstatement or that he reported for duty on 1-7-1974 as claimed by him. There is nothing to dis-believe the testimony of M.W. 1 who stated that the Petitioner did not report for duty at any time and much less on 1-7-1974 and that the allegation made as if he was not permitted to rejoin duty is false. On the other hand there is ample material to show that the Petitioner having failed to take any action or move in the matter for reasons best known to him for over three years, somehow chose to raise the dispute after three years and this conduct on the part of the Petitioner certainly amounts to abandonment of service falling within the exception contained in sub-clause (a) of Section 2(oo) of the I.D. Act. In this view I find that the action taken by the Management in striking off the name of the Petitioner from the rolls cannot be construed to be termination amounting to retrenchment within the meaning of Section 2(oo) of the I.D. Act. Once it is found that the action taken by the Management does not amount to retrenchment, Section 25-F of the Act does not come into play nor can the Petitioner have recourse to the said provision. Hence, non-payment of notice pay and retrenchment compensation, does not render the termination invalid, giving any right to the Petitioner to claim reinstatement, and both the above points are answered accordingly.

15. An award is therefore passed, finding that the petitioner-workman, is not entitled to any relief, not only because the action of the respondent-management in striking off the petitioner's name from the rolls in accordance with the standing orders, does not amount to retrenchment, but also for the reason that the unauthorised absence of the petitioner, for over three years amounts to abandonment of service.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 30th day of July, 1979.

INDUSTRIAL TRIBUNAL

[No. L-12012(7)/78-D. IV(B)]

SHASHI BHUSHAN, Desk Officer

APPENDIX OF EVIDENCE

Witness examined : witness examined :
for Workman. for Management—

W.W. 1 : Sri V. Venkataiah. M.W. 1 : Sri G. V. Krishna Rao.

DOCUMENTS EXHIBITED FOR WORKMAN

Ex. W. 1 : 10-3-75.—Medical certificate dated 10-3-1975 issued by Dr. A. Anantha Reddy to Sri V. Venkataiah.

DOCUMENTS EXHIBITED FOR MANAGEMENT

Ex. M. 1 : 22-9-77.—True copy of the representation dated 22-9-77 of Sri V. Venkataiah, to the Conciliation Officer

INDUSTRIAL TRIBUNAL

